

ALABAMA LAWS
(and Joint Resolutions)

OF THE
LEGISLATURE OF ALABAMA

PASSED AT THE

SPECIAL SESSION 1973
REGULAR SESSION 1973

IN FOUR VOLUMES

VOL. II



GEORGE C. WALLACE, Governor
JERE BEASLEY, Lieutenant Governor
PIERRE PELHAM, President Pro-Tem of the Senate
G. SAGE LYONS, Speaker of the House
JOE C. McCORQUODALE, JR., Speaker Pro-Tem of the House
MCDOWELL LEE, Secretary of the Senate
JOHN W. PEMBERTON, Clerk of the House

**WITH AN INDEX PREPARED BY THE
LEGISLATIVE REFERENCE SERVICE**

The undersigned, as Secretary of State of the State of Alabama, does hereby certify that this book contains bills and joint resolutions enacted at the 1973 Special Session and the 1973 Regular Session of the Legislature of Alabama and is the official publication of such acts.

Mabel Amos
Secretary of State

Act No. 453

S. 714—Wilson

AN ACT

Relating to all counties having populations of not less than 55,500 nor more than 56,500 inhabitants according to the most recent federal decennial census, creating the office of Assistant District Attorney for the Fourteenth Judicial Circuit; and prescribing the manner of appointment, the compensation and the duties of said office.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created the office of Assistant District Attorney for the Fourteenth Judicial Circuit. The duties of the Assistant District Attorney for the Fourteenth Judicial Circuit shall be to assist prosecutions in the circuit court, and to conduct prosecutions in all county courts or courts of similar jurisdiction in Walker County.

Section 2. The Assistant District Attorney for the Fourteenth Judicial Circuit shall be appointed by the District Attorney of said circuit from a list of candidates submitted by a nominating committee which shall be composed of all circuit judges in said circuit, all judges of county courts or courts of similar jurisdiction in Walker County, and the President of the Walker County Bar Association. The Assistant District Attorney shall receive \$12,500 per annum as total compensation for all duties, from the general funds of Walker County in equal bi-monthly installments.

(1) The incumbent county solicitor shall continue in office. Upon appointment of the Assistant District Attorney, the County Solicitor shall continue in said office.

a. Said District Attorney's office shall be maintained in the Walker County Courthouse and said county shall provide office space, supplies, etc.

b. Additional personnel for the office of the District Attorney shall be added to provide for the necessary clerical help for the operation of this office.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 20, 1973.

Time: 3:40 P.M.

Act No. 454

S. 744—Lindsey

AN ACT

Relating to counties having not less than 16,350 nor more than 16,650 populations, according to the most recent Federal Decennial Census; to provide an additional clerk-hire allowance for the Tax Collector and Tax Assessor and to provide for the payment of the same for said officers of such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act apply to all counties having a population of not less than 16,350 nor more than 16,650 populations according to the most recent Federal Decennial Census.

Section 2. In all counties to which the Act applies the Tax Collector shall be entitled to receive \$600.00 annually as a clerk-hire allowance and the Tax Assessor shall be entitled to receive \$600.00 annually as a clerk-hire allowance, the Tax Collector shall deduct said allowance on a yearly basis out of any monies collected for taxes and pay the same into the County Treasury for payment of said allowances and said allowances shall be in addition to any and all other such allowances heretofore provided by law. On October 1, 1975, said allowances for said Tax Collectors and said Tax Assessors shall increase to \$1200.00 each annually.

Section 3. This Act shall become effective on October 1, 1973.

Approved August 20, 1973.

Time: 3:40 P.M.

Act No. 455

S.J.R. 82—Wilson

SENATE JOINT RESOLUTION

CHANGING THE NAME OF THE GEORGE C. WALLACE TRADE SCHOOL OF CULLMAN COUNTY.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the state institution in Cullman, now designated as the George C. Wallace Trade School of Cullman County, shall be hereafter designated and known as the George C. Wallace State Technical Community College.

RESOLVED FURTHER, That this resolution shall take effect upon its approval by the Governor or as otherwise pro-

vided in Article 5, Section 125 of the Constitution.

Approved August 20, 1973.

Time: 3:40 P.M.

Act No. 456

S. 394—Pierce

AN ACT

To amend Title 13, Section 125(75e) Code of Alabama, 1940, as amended, pertaining to establishing investigators for the District Attorney's Office for the Fifteenth Judicial Circuit of Alabama, providing for the hiring, salaries, expenses, authority and duties of such officers.

Be It Enacted by the Legislature of Alabama:

Section 1. That Title 13, Section 125(75e), Code of Alabama, 1940, as amended, be amended so as to read as follows:

Section 125(75e). Investigators. — (1) The district attorney for the Fifteenth judicial circuit is hereby authorized to appoint a chief investigator for such office. Such additional investigators may from time to time be appointed by the district attorney and the governing body of the county comprising such circuit may deem necessary. Such investigators shall serve at the pleasure of the district attorney.

(2) The investigators shall have the same authority and powers vested in deputy sheriffs and all other law enforcement officers of the State of Alabama. They shall be responsible to the District Attorney and shall perform all duties assigned to them by such official.

(3) The salary for the chief investigator shall not be less than the top pay for the Chief Deputy Sheriff in the Sheriff's Department. The salary for all other investigators shall not be less than the top pay for a captain in the Sheriff's Department. The salaries shall be paid from the general fund of Montgomery County as other county employees are paid.

(4) The governing body of the county in which such circuit is located shall purchase from the general fund upon the application of the District Attorney for the use of such investigators equipment and supplies including automobiles, radios and other electronic equipment, which are necessary in the proper performance of their duties and pay for such other expenses which are reasonably necessary in the suppression of crime, the apprehension of criminals and duties assigned them. The governing body of such county shall be responsible for the maintenance and upkeep of such equipment.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 20, 1973.

Time: 3:40 P.M.

Act No. 457

S. 442—Baker

AN ACT

To repeal Act No. 563, H. 705, Regular Session 1967 and Act No. 857, H. 1491, Regular Session 1971, which authorize the chairman or president of the county governing bodies of counties having a population of 15,400 to 15,625 to make expenditures from the county road, bridge and public building fund.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 563, H. 705, Regular Session 1967 (Acts 1967, p. 1319) entitled "To apply only in counties having not less than 16,200 nor more than 17,200 according to the most recent federal decennial census; authorizing the chairman or president of the county governing body to make expenditures from the county road, bridge and public building fund" and Act No. 75, H. 1491, Regular Session 1971 (Acts 1971, p. 1619) entitled "To amend the title and Section 1 of Act No. 563, H. 705, Regular Session 1967 (Acts 1967, p. 1319) which authorizes the chairman or president of the county governing body to make expenditures from the county road, bridge and public building fund in certain counties classified on a population basis" are hereby expressly repealed.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 20, 1973.

Time: 3:40 P.M.

Act No. 458

S. 539—Register

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the Town of Newton, Dale County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the Town of Newton, Dale County, Alabama are hereby altered rearranged and extended so as to include within the corporate limits of said town, in addition to the lands now included, all of the following territory, to-wit:

Beginning at the intersection of the South boundary of the Choctawhatchee River and the East right-of-way line of U. S. Highway 231 leading from Midland City to Ozark; thence running Northwesterly along the East right-of-way of U. S. 231 to the South line of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 29, T5N, R25E; thence East along the South line of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 29, T5N, R25E to a point that is 300 feet from the East right-of-way line of U. S. 231; thence Northwesterly parallel to and 300 feet from the East right-of-way line of U. S. 231 to the South right-of-way line of a paved county road (SACP 7240-A) thence Southwesterly along the South right-of-way line of a paved county road (SACP 7240-A) to the East right-of-way line of U. S. 231; thence Northwesterly along the East right-of-way line of U. S. 231 to the North line of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 30, T5N, R25E; thence West along the North line of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the North line of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 30, T5N, R25E to a point 300 feet West of the West right-of-way line of U. S. 231; thence Southeasterly parallel to and 300 feet from the West right-of-way line of U. S. 231 to a point on the East line of Section 30, T5N, R25E and the present northerly corporate limits boundary of the Town of Newton, thence in an easterly direction parallel and contiguous to the north corporate limits boundary of Newton to the point of beginning.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 20, 1973.

Time: 3:40 P.M.

Act No. 459

S. 605—Foshee

AN ACT

To further amend Section 1 of Act No. 88, S. 224, Regular Session (Acts 1967, p. 420) which provides clerk hire allowance for certain county officers in certain counties classified on a population basis, so as to provide additional clerk hire.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of said Act No. 88, S. 224, is amended to read as follows:

"Section 1. In all counties having populations of not less than 13,000 nor more than 13,250, according to the most recent federal decennial census, the county commission may, in its discretion, provide an allowance for the tax assessor and the tax collector in an amount not exceeding \$150 per month for clerk hire. Such allowance shall be paid from the general funds of the county on warrants issued in the manner provided by law and shall be the only amounts available from public funds to said offices for clerk hire.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 20, 1973.

Time: 3:40 P.M.

Act No. 460

S. 606—Foshee

AN ACT

To provide funds for clerical hire for the circuit clerk of all counties having a population of not less than 13,000 nor more than 13,250, according to the most recent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. The circuit clerk of all counties having a population of not less than 13,000 nor more than 13,250, according to the most recent federal decennial census, shall hereinafter be granted annually, by the county governing body, fifteen hundred dollars to be used for the purpose of clerk hire. Such grant shall be in lieu of any and all other funds presently given to the circuit clerk for any ex officio position held by such clerk.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 20, 1973.

Time: 3:40 P.M.

Act No. 461

H. 1344—Fite, Grey (D)

AN ACT

Proposing an amendment to the Constitution of Alabama relative to the Buttahatchee River watershed Area.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, to become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

PROPOSED AMENDMENT

"The Legislature may by general, special, private or local laws authorize the formation in any manner of a public corporation for the development of the Buttahatchee River, its tributaries and watershed, for the purposes of navigation, water conservation and supply, flood control, irrigation, industrial development, public recreation, and related purposes, and may authorize the counties of Marion, and Lamar and all municipalities lying within Marion and Lamar Counties to donate or contribute public funds to such public corporation and may authorize such public corporation to enter into contracts with the United States of America or any agency thereof, and with the several states or political subdivisions thereof, and with other public or private corporations organized within any of the several states, for the development of Buttahatchee River Watershed, and may authorize such public corporation to acquire by purchase, construction, lease, gift, condemnation, or otherwise property of any kind, real, personal or mixed, to mortgage or sell its property and to issue revenue bonds and other revenue securities payable solely out of revenues accruing to such public corporation, and may exempt such public corporation from all taxation in the State of Alabama, and may grant such public corporation all other powers and privileges which may be necessary and proper for the full development of said Buttahatchee River watershed. The provisions of Sections 106, 222 and 225 of the Constitution of Alabama shall not apply to any public corporation which may be organized pursuant to enabling legislation herein authorized or to any revenue bonds and other revenue securities at any time issued by such public corporation. Such public corporation shall be deemed a political subdivision of the State of Alabama. Nothing herein shall authorize any such public corporation to engage in or finance, directly or indirectly, the production, transmission, or sale of electric power. The area comprising the Buttahatchee River watershed shall include such land defined in enabling legislation herein authorized as shall lie within the counties of Marion and Lamar. Any such law as herein above authorized which has been heretofore enacted for which no notice

and proof of publication was submitted as required by Section 106 of the Constitution is hereby validated and confirmed.

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from the final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama 1940, as amended.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceeding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the House July 17, 1973.

Passed the Senate August 16, 1973.

Act No. 462 H. 1440—Lutz, King, Grainger, Hale, Hearn
AN ACT

To propose an amendment to the Constitution of Alabama with respect to the filling of vacancies in the office of judge of the circuit court holding at Madison County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, to become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the governor.

AMENDMENT

"All vacancies in the office of judge of the circuit court holding in Madison County which shall occur subsequent to January 15, 1974, shall be filled in the manner and for the time as herein provided.

"The Madison County Judicial Commission is hereby created for the purpose of nominating to the governor persons for appointment to such a vacancy. The members of such commission shall be (a) two persons who are members of the Alabama state bar, and (b) two persons who are not members of the Alabama

state bar, and (c) one judge of the circuit court holding in Madison County.

"All members of such commission must reside in the territorial jurisdiction of the circuit court holding in Madison County.

"The two members of such commission who are required to be members of the Alabama state bar shall be elected by the members of such bar who are regularly licensed and qualified to practice law in this state and who reside in the territorial jurisdiction of the circuit court holding in Madison County. The executive committee of the Madison County Bar Association or its successor body in such capacity, is authorized and directed to make rules, not inconsistent with this amendment, for the election of such members of such commission as are required to be members of the Alabama state bar. Such executive committee shall certify in writing to the probate judge of Madison County the names of the persons elected as members of such commission by such members of such bar.

"The senator and representatives in the Alabama legislature residing in Madison County shall elect the two members of such commission who are required not to be members of the Alabama state bar. Such senator and representatives shall certify in writing to such probate judge the names of the persons elected by them as such members.

"The judges of the circuit court holding in Madison County shall elect the member of such commission who is required to be a judge of such circuit court. The judges of such circuit court shall certify in writing to such probate judge the name of the circuit judge elected by such circuit judges as such member.

"The terms of office of all members of such commission shall be six years, except that the terms of office of the two members of the state bar first elected shall be for one and two years respectively, and of the two members first elected by the senator and representatives in the Alabama legislature residing in Madison County shall be for three and four years respectively, and the term of the circuit judge elected by the circuit judges shall be for five years; the length of such terms of office of the members of such commission being indicated by the respective electing bodies. The terms of the initial members of such commission shall begin on January 16, 1974. A vacancy in the office of a member of such commission shall be filled for the unexpired term in the same manner as such member was originally chosen.

"The probate judge of Madison County shall record all such certificates of election and shall safely and permanently keep the original certificates. Forthwith upon his receipt and recordation

of every such certificate, he shall send to the governor a certified copy of every such certificate.

"No member of such commission shall be eligible to succeed himself as such member or for nomination to the governor for appointment as judge of such circuit court during the term of office for which such member shall have been selected.

"The members of such commission shall not receive any salary or other compensation for their services as such members. No member of such commission other than the member required to be a judge of the circuit court shall hold any public office, and no member of such commission shall hold any official position in any political party.

"If, subsequent to January 15, 1974, a vacancy occurs in the office of judge of the circuit court holding in Madison County, such commission shall nominate to the governor three persons having the qualifications for such office. Such nomination shall be made only by the concurrence of a majority of the members of such commission. The governor shall appoint to the office in which the vacancy exists one of the three persons so nominated for such office. If the Governor shall fail to make an appointment from the list within 30 days from the date it is presented to him, the appointment shall be made by the chief justice or the acting chief justice of the supreme court from the same list. The appointee shall hold such office until the next general election for any state officer held at least six months after the vacancy occurs and until his successor is elected and qualified; the successor shall hold office for the unexpired term and until his successor is elected and qualified.

Section 2. An election on the proposed amendment is ordered to be held on the first Tuesday after the expiration of three (3) months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Section 284 and 285 of the Constitution of Alabama of 1901, as amended, and Chapter 1, Article 18, Title 17, Code of Alabama of 1940, together with any other statutes applicable thereto.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the House July 26, 1973.

Passed the Senate August 16, 1973.

Act No. 463

H. 691—Smith (P), Chesnut, Connell, Lang, Roberts, Reid (R), Mathews, McCluskey, Bank, Wallace, O'Daniel, Jackson, Collins, Turnham, Warren, Casey, Wise, Bowers, Turner, Manley, Crowe, Mims, Coshatt, Culver, Robertson, Brassell, Agee, Adams, Jones (F), Parker, Barkett, Stubbs, Owens, Boles, Jones (E), Stewart, Stokes, Hobbie, Carnes, Wood, Snell, Carter, Easters, Naramore, Williams, Benton, Hardin, Drake, Doss, Adwell, Wynot, Edwards, McDonald, Smith (K), Goodwin, King, Gafford, Dill, Headley, McCorquodale, Kinsey, Therrell, Boutwell, Cross, Waggoner, Harris, Reynolds, Timmons, Cottingham, Pruitt, Merrill, Taylor, Hill, Crawford, McMillan, Barron

AN ACT

To authorize and provide for the promotion of the production, marketing, use and sale of swine and swine products by research, education, advertising and other methods; and prescribing a method whereby swine producers may act jointly with handlers, buyers, processors, the state board of agriculture and industries, and others, for a promotional program; providing that producers may by referendum levy upon themselves assessments for financing a promotional program and for the collection, disbursements and expenditures of funds collected from assessments, the regulations, requirements and authority relative thereto; providing for nonassessments, or refund of assessments; prescribing duties of the commissioner of agriculture and industries and the state board of agriculture and industries with respect to a promotional program for the swine producers of Alabama; and providing for the administration thereof by a nonprofit association which is fairly and substantially representative of the producers of swine throughout the State, and providing for collection and distribution of assessments by dealers, handlers, and buyers of swine; requiring an annual permit of such dealers, processors, and other buyers; and other administrative, enforcement, promotional, and penalty provisions.

Be It Enacted by the Legislature of Alabama:

Section 1. PURPOSE AND INTENT—It is hereby declared to be in the interest of the public welfare that producers of swine shall be authorized and encouraged to act jointly and in cooperation with handlers, dealers, purchasers of swine and with the commissioner of agriculture and industries and with the state board of agriculture and industries in promoting and stimulating by research, education, advertising and other methods, the increased and efficient production, distribution, use and sale of swine and swine products; and it is the intent

and purpose of this Act to authorize and provide a method and procedure for a promotional program for the swine industry and the financing thereof pursuant to powers of the legislature as authorized by the amendment to the state constitution which expressly authorizes such activity.

Section 2. AUTHORIZED ACTIVITIES NOT ILLEGAL OR IN RESTRAINT OF TRADE — No association, meeting or activity undertaken in pursuance of the provisions of this Act and intended to benefit the Alabama swine industry shall be deemed or considered illegal or in restraint of trade.

Section 3. REFERENDUM AND ASSESSMENTS BENEFICIAL — It is hereby further declared to be in the public interest and highly advantageous to the economy of the state that swine producers be permitted by referendum as hereinafter provided to levy upon themselves an assessment, and to provide for the collection thereof for the financing or contributing toward the financing of a program of research, education, advertising and other methods designed to increase or promote the efficient and economical production, distribution and marketing as well as the increased use, consumption and sale of swine and swine products.

Section 4. APPLICATION OF SWINE PRODUCERS' ASSOCIATION FOR APPROVAL TO CONDUCT REFERENDUM — Any nonprofit association of swine producers organized for the promotion and betterment of the swine industry may, at any time after this Act becomes effective, make application to the state board of agriculture and industries for certification and approval for the purpose of conducting a referendum among swine producers of the state, upon the question of levying an assessment, collecting, expending and utilizing same for the purpose or purposes authorized under this Act and as stated in such referendum. Any nonprofit association approved or certified hereunder as an approved or certified association by the state board of agriculture and industries shall be authorized to execute or carry out such a promotional program within the limits prescribed by this Act.

Section 5. ACTION BY BOARD ON APPLICATION— Upon the filing with the state board of agriculture and industries of an application by any nonprofit association of swine producers, the said Board shall within thirty days thereafter meet and consider the application. If it is shown by the applicant to the satisfaction of the Board that the applicant is fairly and substantially representative of the swine producers of this state, and shall otherwise find and determine that such application is in conformity with the provisions and purposes of this Act, then, and in such an event, the Board shall certify

such association as the duly delegated and authorized group or organization and shall likewise certify that such organization is duly authorized to conduct among the swine producers of this state a referendum for the purpose set forth in its application which shall be consistent with the purposes of this Act. In the event there is more than one pending application at any time, the Board must decide between the pending applications based on the program proposed, the number and geographic distribution of swine producer members in the applicant organization, the size, stability, potential effectiveness and fiscal soundness of the applicant organization and any organizations with which it is affiliated, the existence and effectiveness of affiliated county organizations in the applicant organization and its affiliates, and the sentiment of swine producers as ascertained by petitions, hearings, and otherwise as may be determined by the Board. No application shall be considered if an organization holds currently valid certification.

Section 6. REFERENDUM ON ASSESSMENT BY CERTIFIED ASSOCIATION—Upon being so certified by the state board of agriculture and industries, such organization shall thereupon be fully authorized and empowered to hold and conduct on the part of the Alabama swine producers a referendum wherein they shall be entitled to vote on the question of whether or not they shall levy upon themselves an assessment under and subject to and for the purpose stated in this Act. The referendum shall be conducted on a statewide basis.

Section 7. NOTICE OF REFERENDUM—With respect to any referendum conducted under the provisions of this Act, the duly certified organization shall, not less than thirty days before the date for such referendum, publicly announce the date, hours, polling places and rules for voting in the referendum, the amount and basis of the assessment proposed to be collected, the means by which such assessment shall be collected, and the general purposes to which said amount so collected shall be expended and applied. Such notice shall be published by the certified organization through the medium of an established farm publication and written notice thereof shall be given to each county extension chairman in the area covered by the referendum.

Section 8. CONDUCT OF REFERENDUM—Arrangements for and the management of any referendum conducted hereunder shall be under the direction of the organization certified by the state board of agriculture and industries to conduct same, and such organization shall furnish all necessary ballots and arrange for the necessary poll holders. All expense and costs necessary to conduct such a referendum shall be borne by such organization.

Section 9. ELIGIBILITY TO VOTE: QUESTION SUBMITTED—Any referendum conducted hereunder may be held

on a statewide basis pursuant to rules and regulations adopted for the holding of such referendum. All producers of swine who shall be subject to any assessments levied hereunder shall be entitled to vote in the referendum provided that only swine producers who sold swine in the year immediately preceding and not less than thirty days prior to this referendum shall be eligible to participate in this referendum. In such referendum, individuals so eligible for participation therein shall vote upon the question of whether there shall be levied an assessment for a period of five years in an amount set forth in the call for such referendum, which amount shall not exceed the limitations prescribed by this Act.

Section 10. MAJORITY VOTE REQUIRED: CANVASS OF RESULTS: LIMITATIONS ON ASSESSMENTS — If in such referendum a majority or more of the swine producers eligible to participate and voting therein, shall vote in the affirmative and in favor of the levying and collection of the assessment proposed in such referendum, then such assessment shall be levied and collected in the manner hereinafter provided. Following the referendum and within ten days thereafter the certified association shall canvass, tabulate and publicly declare and announce the results thereof. The amount of the assessment levied upon the sale of swine shall not exceed 5¢ on market and 3¢ on feeder pigs.

Section 11. SUBSEQUENT REFERENDUMS—In the event any such referendum conducted as herein provided shall fail to receive the required number of affirmative votes from swine producers eligible for participation and voting therein, then the certified association conducting the said referendum shall be authorized to call another referendum for the purposes herein set forth in any succeeding year, on the question of an assessment and promotional program for the period authorized by this Act, provided no such referendum shall be held within a period of twelve months from the date on which the last referendum was held. In the event such referendum is carried or favored by the required number of eligible swine producers participating therein and assessments in pursuance thereof are levied for the period set forth in the call for such referendum, then the organization conducting such referendum shall have full power and authority to call and conduct during or after the last year of such period another referendum in which the swine producer shall vote upon the question of whether or not such assessments shall be continued or renewed for another period of time as authorized under this Act. Any subsequent referendums as authorized hereunder shall be subject to all of the requirements as an original referendum conducted under the provisions of this Act.

Section 12. COLLECTION OF ASSESSMENTS: DEDUCTIONS FOR EXPENSES—In the event the required number of swine producers approve by a referendum as provided hereunder the levying of an assessment upon the sale of swine for a promotional program, the commissioner of agriculture and industries shall, within thirty days, notify in writing every person licensed to operate a livestock market under authority of Act No. 173 of the legislature of 1951, Acts of 1951, page 409, other persons who conduct livestock sales and purchasing establishments including the sale of feeder pigs and every person who operates a meat packing or slaughter establishment which buys swine directly from the producer, that on or after the date designated in such notice which shall be not less than thirty nor more than sixty days after the mailing of such notice by the commissioner of agriculture and industries, the amount of the assessment shall be deducted by all such sales markets or purchasers of swine, or by their agents or representatives, from the purchase price paid to the seller of such swine, where such swine are purchased within the state. On or before the tenth day of each calendar month all assessments so deducted shall be remitted to the commissioner of agriculture and industries less three percent thereof, which may be retained to compensate the stockyard operator, meat packer or other such establishment for the expense of collecting and remitting such assessment. The books and records of all such purchasers of swine shall at all times during regular business hours be open for inspection by the commissioner of agriculture and industries or his duly authorized representatives or agents, for the purpose of ascertaining the accuracy of the amounts remitted as required hereunder. The commissioner of agriculture and industries shall deduct from all sums remitted to him under this Act to defray the expense incident to collection and administration of this Act in an amount to be set by the board of Agriculture and Industries, but such amount shall not exceed three percent (3%) of such sum remitted. All amounts so deducted by the commissioner shall be paid into the state treasury to the credit of the agricultural fund.

Section 13. REMISSION OF COLLECTIONS TO TREASURER OF ASSOCIATION—The commissioner of agriculture and industries shall remit to the treasurer of the certified association all monies paid to or collected by him on a quarterly basis between the first and fifteenth of January, April, July and October of each year less an amount not to exceed three percent of the total amount so collected which commission shall be deposited in the agricultural fund of the state treasury. The amount remitted to the treasurer of the certified association shall be used and expended by such association for the promotional

program in the manner provided by this Act and the rules and regulations of the association.

Section 14. ELECTION BY SWINE OWNER NOT TO PAY ASSESSMENT—Any owner of swine against whom an assessment is made under authority of this Act may avoid payment of such assessment by filing a written notice in triplicate form with the sales market or purchaser of swine for each sale for which he elects to avoid payment, which said notice shall bear the date of sale, the invoice number, if any, the number of swine sold and the signature and address of the seller. The sales market or purchaser of such swine as shall be included in said notice shall not be caused to remit as to such purchase and sale, upon his filing with the commissioner of agriculture and industries a duplicate copy of the said notice furnished by the said seller. A copy of such notice shall be delivered to the certified association by the commissioner of agriculture and industries.

Section 15. RIGHT OF SWINE OWNER TO REFUND OF ASSESSMENT—Any producer of swine against whom any assessment is made and deducted under authority of this Act if dissatisfied with said assessment shall have the right to demand and receive from the treasurer of the certified association a refund of the amount of the assessment collected from such swine producer, provided such demand for refund is made in writing within thirty days from the date on which such assessment was deducted from the sale price of swine sold by such swine producer; provided, that application for refunds of amounts deducted from the sale price of any swine sold must give the name and address of the sale market or purchaser who bought the swine, date of purchase, invoice number, if any, and the number of head purchased from him for which the assessment was deducted. Within thirty days after the first quarterly receipt of funds from the commissioner of agriculture and industries, and thereafter within thirty days after receipt of such application, the certified association shall after such association determines that the assessment was paid as claimed in the application, refund the amount so paid as an assessment. The mailing by the association of a valid check in the amount of such assessment, payable to seller, within thirty days after receipt of the application for refund, shall constitute a compliance with this section.

Section 16. EXEMPTION—The provisions of this Act shall not apply to occasional sales between producers.

Section 17. BOND OF TREASURER OF ASSOCIATION—Before any money is remitted by the commissioner of agriculture and industries to the treasurer of an organization or association as authorized under the provisions of this Act, the treasurer of

said organization shall furnish to the commissioner a bond approved by the commissioner in an amount not less than the estimated quarterly receipts but not more than the estimated annual total amount of the assessment handled by such officer. The surety on said bond shall be a corporate surety company duly qualified and licensed to do business in Alabama and said bond shall be conditioned upon the faithful handling, proper accounting and properly authorized expenditure of all funds received and disbursed by the principal named in said bond.

Section 18. EXPENDITURE OF ASSESSMENTS—The funds derived from any assessments levied upon the sale of swine as authorized under this Act shall be used and expended by the certified association after such funds are remitted to it by the Commissioner of Agriculture and Industries for the purpose of promoting and stimulating by advertising and other methods the increased use and sale of swine and swine products, and such funds may also be used for the financing or contributing toward the financing of research, experimental and educational programs for the efficient and economical production, distribution, processing and marketing of swine and swine products. The certified association may enter into cooperative agreements with appropriate agencies of any public or private institution or organization and funds derived from assessments to the extent agreed upon may be contributed to such public or private institution or agency for such research, experimental and educational work performed pursuant to such an agreement. The certified association may also formulate and establish a plan for advertising and sales promotion and to carry out such a promotional program, agreements may be entered into with advertising and public relations agencies or similar organizations. All funds expended hereunder shall be expended for purposes consistent with and in keeping with the purpose or purposes of this Act. Any funds expended by the certified association inconsistent with such purposes and provisions shall be deemed as an unauthorized expenditure of such funds. Any funds approved for expenditure hereunder for a promotional program as authorized under this Act are hereby appropriated for disbursement and expenditure by said certified association to carry out any such approved promotional program or programs and it shall not be necessary for the Legislature to make any specific or general appropriation for such disbursements or expenditures nor shall such disbursements or expenditures be subject to the budget and allotment requirements of Title 55, Chapter 4, Article III, Code of Alabama of 1940, and such disbursements and expenditures shall not be restricted or subject to any other requirements for general or special appropriations. The payment of salaries, purchase of equipment and payment of other expenses neces-

sary to carry out the provisions, requirements and purposes of this Act shall be deemed as authorized expenditures from funds received from assessments levied under this Act.

Section 19. JOINT PROGRAMS WITH OTHER STATES—Any certified association may enter into agreements with like associations, commissions or other agencies of other states for the purpose of conducting a similar agricultural commodities promotional program jointly with such associations, commissions or other agencies in other states, and such certified association shall be authorized to contribute a proportionate share of the cost and expense necessary for such a program.

Section 20. ANNUAL AUDIT OF ASSOCIATION: EXAMINATION BY EXAMINER OF PUBLIC ACCOUNTS: PUBLICATION OF STATEMENT—The approved and certified association receiving and disbursing funds as herein authorized shall within sixty days following the end of each calendar year, or within a period of sixty days following the close of their fiscal year, cause an audit of their books and accounts to be conducted by a certified public accountant disclosing receipts, disbursements, expenditures and other information pertinent thereto and a copy thereof shall be forwarded to the state board of agriculture and industries for inspection and review. The examiner of public accounts of the department of examiners of public accounts of the State of Alabama shall be authorized to audit, review and otherwise investigate the receipts and disbursements of such funds in the same manner that such duties are performed for examination and audits of agencies and departments of the State of Alabama. An examination or audit as herein required to be made and submitted to the state board of agriculture and industries shall be open to public inspection. Within ninety days following the close of a certified association's fiscal year, if it has received any funds from assessments levied and collected pursuant to this Act, such association shall publish a duly verified statement in the publication of the certified association showing the amount so received and collected and the amount or amounts spent for each project and item.

Section 21. RULES AND REGULATIONS—The state board of agriculture and industries is hereby authorized and empowered to adopt and promulgate rules and regulations to carry out the evident intent and purpose of this article which shall include the rules and regulations governing the holding of referendums as adopted by the certified association, the collection, deposit, handling, withdrawal and disbursements of assessments collected hereunder, and such other reasonable rules and regulations as may be necessary to effectuate the evident intent and purposes of this article. The certified

association authorized to conduct a promotional program as authorized under this article shall have a right to recommend such rules and regulations to the state board of agriculture and industries and upon receipt of such recommended rules and regulations said board shall meet within a period of not more than ninety (90) days to consider their adoption. The certified association shall be given at least ten (10) days' notice in writing of any such meeting held for the purpose of adopting rules and regulations as authorized hereunder.

Section 22. DUTIES OF COMMISSIONER: REVOCATION OF APPROVAL OF ASSOCIATION—It shall be the duty of the commissioner of agriculture and industries through the facilities of the department of agriculture and industries to enforce and collect the assessment charges levied upon the sale of agricultural commodities as set forth under the provisions of this Act and to enforce the rules and regulations of the state board of agriculture and industries relative thereto. The state board of agriculture and industries shall have authority at any time to revoke or cancel any approval or certification of an association in the event it finds that such association is not carrying out its promotional program in accordance with the provisions of this Act and rules and regulations promulgated thereunder. Before any certification may be revoked the certified organization shall be given notice and an opportunity to be heard by the state board of agriculture and industries upon the question of whether its certification should be revoked.

Section 23. PENALTY FOR FAILURE TO DEDUCT AND PAY OVER ASSESSMENT (a) Any dealer, handler, processor, sales market or other purchaser of swine who willfully fails or refuses to deduct and pay to the commissioner of agriculture and industries any assessment required to be so deducted and remitted to the commissioner shall be guilty of a misdemeanor and upon conviction thereof in addition to other penalty proved by law shall be fined in an amount equal to three times the amount of the assessment he failed or refused to collect and remit as required under this Act. Any purchaser of swine who fails or refuses to allow the commissioner of agriculture and industries or his authorized agents and employees to inspect and review his books and records which disclose his purchases of swine for the purpose of ascertaining accuracy of amounts deducted and remitted as required under this article shall also be guilty of a misdemeanor. The amount of any fine hereunder shall be remitted to the commissioner of agriculture and industries, and shall be forthwith transferred by the commissioner to the account of the certified association entitled thereto.

(b) Remedy by Injunction—In addition to the above pen-

alty and notwithstanding the existence of an adequate remedy at law, the Circuit Court, in equity, or other court of like jurisdiction, or any judge thereof, shall have jurisdiction and for cause shown to grant a temporary or permanent injunction, or both, restraining and enjoining any person from buying swine in Alabama in violation of the provisions of this Act. Bills in equity for injunctive relief as authorized hereunder shall be filed in the name of the commissioner of agriculture and industries in the Circuit Court or other court of like jurisdiction in the county of residence of the person who buys swine in violation of the provisions of this Act or in the county where such violation occurs. Any restraining order of injunction issued hereunder shall be issued without a bond.

Section 24. SEVERABILITY—The provisions of this Act are severable if any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 25. REPEAL OF CONFLICTING LAWS—All laws and parts of laws in conflict with this Act are hereby expressly repealed.

Section 26. EFFECTIVE DATE—This Act shall become effective on the date upon which the Governor issues a proclamation that the constitutional amendment authorizing the legislature to provide for the promotion of the swine industry has been adopted.

Approved August 22, 1973.

Time: 4:00 P.M.

Act No. 464 S. 131—Edington, Shelby, Pierce, Noonan,
Owen, Horne, Harris, Lybrand,
O'Bannon, Lindsey, Melton

AN ACT

To further amend Section 1 of Act No. 936, H. 652, Regular Session of 1951 Acts of the Legislature of Alabama, Page 1605, an Act relating to Supernumerary Circuit Judges, so as to fix their annual compensation and to regulate further their compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 936, H. 652, Regular Session of 1951 Acts of the Legislature of Alabama, Page 1605, an Act relating to Supernumerary Circuit Judges, is amended further to read as follows:

"The salary payable by the State of Alabama per annum to each Supernumerary Circuit Judge shall be that certain sum which is equal to seventy-five percent (75%) of the salary payable by the State of Alabama per annum to each Circuit Judge of the State, and shall be paid as the Circuit Judges' salaries are now paid by the State, and it shall be their duty upon the written order of either the Governor or the Chief Justice to hold Court or perform such judicial duties as may be required of them by said written order in any of the counties of this state. Each such Supernumerary Judge, while holding Circuit Court or performing other duties of a regular Court Judge upon the written order of either the Governor or the Chief Justice, shall receive compensation equal to that due the regular Judge for the performance of such duties, such compensation to be paid in the same manner as the compensation of the regular Judge is paid. Each such Supernumerary Judge, while serving on the Supreme Court or Court of Appeals at the request of the Chief Justice or Governor shall receive compensation equal to that paid by the State of Alabama to Circuit Judges, which shall be payable out of the State Treasury in the same manner as other Judges' salaries are now paid by the State."

Section 2. This Act shall not diminish any supplemental salary or expenses which may be paid Supernumerary Circuit Judges by individual counties.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 22, 1973.

Time: 4:00 P.M.

Act No. 465

S. 699—Fine

AN ACT

To establish a Civil Service System for the City of Russellville; to provide a policy for the administration of this act; to divide positions in the city into classified and exempt services, and to provide for changes between such services; to provide a status for present employees; to provide personnel rules and personnel plans of the city; to provide for the organization of the Personnel Board of the city, to establish the qualifications of its members and the duties they will perform; to provide for the adoption, amendment and repeal of rules, regulations, determinations, job classification plans, pay plans, and mandatory and/or permissive retirement plans to effectuate the purpose of this act; to provide for the employment of persons with and without competitive examination; to provide for temporary appointments and the manner in which

and the extent to which they shall be made permanent; to provide for the establishment of lists of persons eligible for employment and to establish the manner in which such lists shall be used; to establish a period of probation for certain city employees; to provide for rules governing working hours and leaves of absence; to provide for the laying off of employees; to establish the manner in which employees may be disciplined and to provide a procedure under which certain employees may protest such disciplinary action; to give the Personnel Board the authority to require the attendance of witnesses and the production of documents at such proceedings and to establish penalties for failure to attend or produce records as required; to provide for an appeal from decisions of such board in such protests; to require such board to maintain certain records; to prohibit and fix the punishment for certain political activity by certain employees of the city; to provide for the compensation and expenses of such board; to guarantee certain rights to the governing body of the city; and to exclude certain employees from the provisions of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. The following words, terms, and phrases, wherever used herein, shall have the meanings respectively ascribed to them in this section, and shall include the singular as well as the plural:

“Allocation” means the assignment of positions to a class on the basis of the nature, difficulty and responsibility of work of the positions.

“Appointing authority” means the official board designated by resolution of the governing body as being the official or board having authority to fill vacancies in a specified class, or the governing body itself in the event that the governing body has made no such designation in respect to a class, or having made such designation, has thereafter repealed such resolution.

“Board” means the Personnel Board of the City of Russellville.

“Certify, Certification” means the act of supplying the appointing authority with names of applicants deemed eligible for appointment to the class or position to be filled.

“City” means the City of Russellville.

“Class” means a position or group of positions that involve similar duties and responsibilities and require similar qualifications and are designated by a single title indicative of the work to be performed.

“Court” means the Circuit Court of Franklin County, Alabama.

“Eligible list” means a list of names of persons who have successfully competed by examination written or oral, ar-

ranged in the order of their final ratings, as determined by the Personnel Board.

"Employee" means a person regularly occupying a position in the classified service or a person who is on authorized leave of absence and whose position is being held for him pending his return.

"Demotion" means removal of an employee from a position in one class to a position in another class having a lower maximum salary limit than the position from which he was removed.

"Governing body" means the Mayor and City Council of the city or any governing authority which is a successor thereto.

"Merit system" whenever the term "Merit System" appears, it shall mean the same as "Civil Service System"; within the meaning of this act.

"Original appointment" means the appointment to a position in the classified service of a person who is not being reemployed from the reemployment list, nor being promoted from the promotional eligible list and who, except for those in the exempt service and those serving under temporary appointment, is not an employee of the city.

"Original appointment eligible list" means the eligible list of persons qualified for original appointment to a position.

"Laid-off" means separated from the classified service of the city because of lack of work or funds or other reason not related to fault, delinquency or misconduct on the part of the employee.

"Position" means a group of current duties and responsibilities assigned or delegated by competent authority and requiring the full or part-time services of one employee.

"Promotion" means a change of employment from a position of one class to a position of another class which has a higher maximum salary rate.

"Promotional eligible list" means the eligible list of persons qualified for promotion to a position.

"Reemployment list" means:

(a) the list of names of former employees who have been laid-off from a position within the past two (2) years who had permanent status in that position so long as that position continued in the classified service, arranged in the inverse order in which they were laid-off.

(b) the list of names of those former employees who resigned or otherwise left the city service in good standing at any time within the past two (2) years.

"Vacancy" means a position duly created with funds provided for payment of a salary, which is not occupied or which is occupied by a person serving under a temporary appointment.

Section 2. Division Into Exempt and Classified Services.

All offices and positions of the city shall be divided into the exempt service and the classified service.

1. The exempt service shall include:

(a) the positions of all elected officials of the city, (b) the positions of voluntary personnel and personnel appointed to serve without pay; (c) the positions of consultants rendering temporary professional service; (d) all positions involving seasonal or part-time employment; (e) the positions of attorneys rendering legal service; provided, however, such positions in the exempt service held by employees of boards and commissions may be placed in the classified service by resolution of the governing body, after favorable recommendation by such other board or commission, and the governing body in such resolution shall prescribe the conditions under which the employees holding such positions so transferred may acquire permanent status in such positions so long as such positions remain in the classified service.

2. Classified Service:

The classified service shall include all positions in the city service that are paid out of the general fund of the city and out of funds of boards and commissions whose employees are placed in the classified service, and which are not specifically placed in the exempt service or excluded from the provisions of this act as provided in Section 24 hereof. Unless otherwise specifically provided or clearly implied, the provisions of this act shall apply only to the classified service.

Section 3. Status of Present Employees. All employees who have acquired permanent status shall, subject to the provisions of this act, have permanent status in their present positions so long as such positions remain in the classified service. All other employees shall be eligible to acquire permanent status in their present positions so long as such positions remain in the classified service in the manner provided in Section 14, upon completing six months' service in such positions, such time to be computed from the beginning of such service, rather than from the effective date of this act.

Section 4. Organization of Board. The personnel program established by this act shall be administered by the board. The board shall consist of three (3) members who are residents of the city and who shall be appointed by the governing body. No member of the board shall be employed by or be an official of the city, nor hold any elective public office. The composition of the board shall be designated as Place No. 1, Place No. 2, and Place No. 3. The person appointed as a member of the board in Place No. 1 shall serve a term of two (2) years; the person so appointed for Place No. 2 shall serve a term of four (4) years; the person so appointed for Place No. 3 shall serve a term of six (6) years. Thereafter each term shall be for a period of six (6) years. Vacancies occurring during a term shall be filled for the balance of the term by the governing body. Members of the board shall receive fifty dollars (\$50) per quarter for their services on the board and the secretary-treasurer of the board shall receive an additional fifteen dollars (\$15) per quarter for his additional duties as such officer. Members shall be entitled to receive their reasonable and necessary expenses incurred in the performance of board business and all such compensation and expenses shall be paid out of the general fund of the city. The board shall elect from its own members a chairman, a vice chairman and a secretary-treasurer. The board shall meet as often as necessary to carry out the purpose of this act, but shall meet at least once each quarter, however, the governing body shall have the right to control the appropriations to the board and to regulate the expenses of the board as it deems necessary. A majority of the members of the board shall be necessary to constitute a quorum for the transaction of business and no action shall be taken without the affirmative vote of a majority of the quorum present at a meeting. The board, with the approval of the governing body shall have the right to engage such full or part-time personnel as shall be necessary to carry out the provisions of this act.

Section 5. General Duties of Board. In addition to the duties set forth elsewhere in this act, the board shall (a) advise the governing body on matters of personnel administration, including the development of personnel rules, a job classification plan, and a systematic pay plan; (b) represent the public interest in the improvement of personnel administration in the city service; (c) make any inquiry which it may consider desirable concerning personnel administration in the city service; and (d) make recommendations to the governing body with respect to any of the foregoing duties.

Section 6. Rules, Classification Plans, and Pay Plans. So long as the same are not inconsistent with this act, the board shall have the power to recommend to the governing body the

adoption of rules and regulations for the operation of the civil service system established hereby, including, but not limited to a job classification plan, a pay plan, and a plan for the mandatory and/or permissive retirement of employees. Within sixty (60) days after the presentation of a recommendation of the board, the governing body shall act upon the same, and if the governing body by resolution adopts the recommendation of the board, the same shall become operative and have the force and effect of law. All rules, regulations and pay and classification plans in effect at the time of the adoption of this act which are not in conflict with the provisions hereof shall remain in force and effect after the effective date of this act until the same are altered, amended or repealed in the manner hereinafter provided.

Section 7. Amendments and Repeal. Any rule, determination, regulation or plan may be amended or repealed in whole or in part in the same manner as is provided herein for the making of such rules, determinations, regulations or plans.

Section 8. Job Classification Plan. After the adoption by the governing body of a job classification plan, allocation of each position in the classified service shall be made by the board with the approval of the governing body to the end that all positions in the same class shall be sufficiently alike to permit use of a single descriptive title, the same qualification requirements, the same test of competence, and the same pay scale.

Section 9. Pay Plan. After the adoption by the governing body of a pay plan and any rules of its administration, the board with the approval of the governing body, will assign each position to one of the pay ranges provided in the pay plan to the end that the rate or range of compensation for each class provided for in the pay plan shall be such as to reflect fairly the differences in duties and responsibilities in the various classes.

Section 10. Examinations. Eligibility for original appointment or promotion to vacancies in positions in the classified service occurring after the adoption of this act shall be determined by the Personnel Board. The Personnel Board shall conduct such examinations as will fairly test the abilities and aptitudes of the applicants with respect to the duties to be performed. Applicants who pass the test and otherwise qualify for original appointment or promotion, as the case may be, shall be placed on the appropriate eligible list for the vacancy. The board may refuse to examine, or after examination refuse to certify the name of anyone who is found to lack any of the established qualification requirements for the position for which he applies or who is physically so disabled as to be unfit to

perform duties of the position to which he seeks appointment, or who has been convicted of or is under indictment for any crime involving moral turpitude or who has been guilty of any infamous or disgraceful conduct or who has been dismissed from the public service for delinquency or misconduct or who has intentionally made a false statement of any material fact or practiced or attempted to practice any deception or fraud in his application, or in his examination.

Section 11. Temporary Appointment. Pending the availability of a list of names certified as provided in Section 13 hereof, positions may be filled by temporary appointment. The governing body by resolution adopted pursuant to a recommendation of the board may grant permanent status in a position in the classified service so long as such position remains in the classified service, to any employee who has served in a vacancy in a position then in the classified service by temporary appointment for at least twelve (12) months and who has passed his examination, if at the time of such action by the governing body no such list of names has been so certified for the vacancy in which the said employee is serving.

Section 12. Lists of Names of Persons Available for Appointment. List of names of persons available for appointment to a vacancy in a position in the classified service will be selected for certification as provided in Section 13 hereof in the order in which they appear from among the laid-off persons on the reemployment list, promotional eligible list, original appointment eligible list, and reemployment list composed of former employees for said vacancy, which lists shall have priority one over the other in the order named. A former employee with probationary status with respect to the vacancy may, with the approval of the appointing authority, have his name placed at such position on the promotional eligible list as the appointing authority may designate. Policies and procedures for administering eligible lists and covering the duration, cancellation, replacement, and consolidation of such lists, and the removal or suspension of names therefrom shall be provided in the personnel rules.

Section 13. Method of Filling Vacancies. Except as herein-after provided, vacancies in positions in the classified service shall be filled by the appointing authority by the appointment of a person whose name is certified, within thirty (30) days after certification. Certification shall be made upon the request of the appointing authority therefor whenever a vacancy exists, the appointing authority, in his discretion, determines that such vacancy shall be filled, and the name of an applicant for such vacancy is eligible for certification. If there is a laid-off person on the reemployment list with respect to a vacancy,

only the top name on such list shall be eligible for certification. In the event the top person is not available for appointment, the next ranking names may be certified until the highest ranking person who is available is appointed. In the event there is no such reemployment list, and the names on the promotional eligible list for such vacancy plus the names on the original appointment eligible list for such vacancy equal three (3) or more, the three (3) names ranked highest on the said promotional eligible list shall be eligible for certification; provided, however, should the said promotional eligible list not contain three (3) names, then the names appearing thereon, plus such of the names ranked highest on the said original appointment eligible list as will be sufficient to bring the number of certified to three (3) shall be eligible for certification. If after making reasonable effort it should prove impossible for the appointing authority to locate any of the persons so certified or should it become known to the board that any person so certified is not willing to accept the position, the appointing authority may request that additional names be certified until the appointing authority has available to him a list from which to make the appointment containing the aforesaid authorized number of persons all of whom are available for such appointment and willing to accept the position, or, in the event that the list certified to the appointing authority contains fewer than the authorized number of available and willing persons as aforesaid from which to make a selection, the appointing authority, in his discretion, may choose from the remaining certified names, make a temporary appointment, or make no appointment. In the event that there does not exist an employment list which the board deems to be appropriate from which to fill the vacancy, the board shall prepare such a list within a reasonable time after receipt of the request of the appointing authority that eligibility be certified. Provided however, nothing herein contained shall be construed as preventing an appointing authority, in his discretion, from withdrawing his request for the aforesaid certification, either before or after such certification has been made in response to his request therefor. Whenever a person has been certified to and rejected by an appointing authority three (3) times, the board may remove the name of such person from the eligible list on which his name appeared. A person shall be deemed to have been so rejected by an appointing authority when a vacancy is filled from an eligible list on which his name appeared and such person was not selected to fill the vacancy.

Section 14. Probation. Except as provided in Section 2 and 3, to acquire permanent status in a position in the classified service so long as such position remains in the classified service,

employees shall be subject to a period of probation. The regular period of probation shall be six (6) months; provided, however, the board may adopt rules and regulations specifying a longer period of probation for a designated class or classes, or for extension of the probation period for any individual probationary employee, but no probationary period may extend beyond twelve (12) months. The work and conduct of employees with a probationary status shall be subject to close scrutiny and evaluation. An employee retained beyond the end of the probationary period shall have permanent status in the position in which he was so retained so long as that position remains in the classified service if, but only if, the appointing authority files a written statement with the board affirming the fact that the services of the employee have been found to be satisfactory.

Section 15. Absences: Hours of Work. Rules shall be adopted in the manner hereinbefore provided prescribing hours of work and the conditions and length of time for which leaves of absence with pay and leaves of absence without pay may be granted. These shall cover such matters as vacations, holidays, sick leaves, leaves for military service, and leaves granted so that the employee can seek election to public office.

Section 16. Lay-Off of Employees. Any employee may be separated from his position by being laid-off. Reduction in the number of employees shall be made in such class or classes as the appointing authority may designate; provided, however, within each class affected by such reduction employees shall be laid off in the following order: (1) temporary employees who did not have permanent status in some other position in the classified service at the time they were appointed to their present position; (2) probationary employees who did not have permanent status in some other position in the classified service at the time they were appointed to their present position; (3) other temporary employees; (4) other probationary employees; and (5) employees having permanent status in the position in the classified service.

Section 17. Dismissal, Demotion and Suspension of Employees. Any employee may be dismissed, suspended without pay or demoted by his appointing authority for, but not limited to, any violation of the provisions of this act or whenever the good of the service will be served thereby or the employee's work, performance, conduct on or off the job, or insubordinate attitude so warrants; provided, however, that no employee may be suspended without pay for more than fifteen (15) working days at any one time or for more than thirty (30) working days in any one year; and provided further, that no employee shall be dismissed, suspended without pay or demoted for political considerations other than those enumerated in Section

21 hereof. Any person appointed to a position who has secured his certification therefor through fraud shall be removed by his appointing authority and shall not thereafter be eligible for examination for or appointment to any position except by unanimous permission of the board. The appointing authority shall promptly report to the board in writing the fact and extent of all disciplinary action taken by said appointing authority against employees holding positions in the classified service.

Section 18. Procedure for Protesting Certain Disciplinary Action. An employee shall have the right to protest any disciplinary action taken against him by his appointing authority; provided, however, an employee serving by temporary appointment and an employee having probationary status shall have no right to protest any such disciplinary action, unless such employee had permanent status in some other position at the time he was appointed to his present position. An employee desiring to protest any disciplinary action directed against him by his appointing authority shall file a protest in writing with the board and with his appointing authority within seven (7) days of the date on which the disciplinary action was taken and request a hearing before the board. Within seven (7) days after receipt of the protest, his appointing authority shall file with the chairman of the board and mail to the employee by certified mail a statement specifying the charges against such employee on which the disciplinary action was based. Upon the filing of such charges, the said chairman shall call a meeting of the board to be held within thirty (30) days after the filing of such charges to hear such protest, and shall forthwith give notice by certified mail to the employee and his appointing authority of the time and place of such meeting. The board shall have the authority to continue the hearing from time to time as may be necessary. In preparing for and conducting such hearing, the chairman and secretary-treasurer of the board shall each have the power to administer oaths, and to subpoena and require the attendance of witnesses and the production of books, documents and accounts pertaining to the subject under investigation.

Subpoenas issued as herein provided shall be served (and the fees and allowances for the service thereof shall be the same) as is provided by law for the service of subpoena issued by the Circuit Court of Franklin County, Alabama. Said fees and allowances in connection with the service of such subpoena issued at the request of the appointing authority or the board shall constitute reasonable and necessary expenses of the board. Such subpoena issued at the request of the employee shall be served as aforesaid but only after such employee has deposited sufficient security with such sheriff or

other officer as will guarantee payment of such fees and allowances for such service. In the event any person is duly summoned to appear and testify or produce evidence, or both, before the board, and such person refuses to attend or testify or produce such evidence, or any of them, in obedience to such summons, the board shall have the right to invoke the aid of the Circuit Court at law. In such event, and upon proper showing by the board to the court, the court shall issue, or cause to be issued, an order or subpoena requiring such person to appear before the board and produce all evidence and give all testimony relating to the issue within his knowledge. Any person failing to obey any such summons by either of said officers of the board without good cause, to be determined by the court, may be punished by the court in the same method as is provided by law for contempt of the court and any person failing to obey any such order or subpoena of the court,, may be proceeded against by the court as is by law provided in the case of contempt of such court. In addition, any employee of the city who fails to obey any of such orders or subpoenas may be disciplined as provided in Section 17.

At the hearing the employee and his appointing authority shall each have the right to be represented by counsel. Such hearing shall be governed by rules of practice and procedure adopted by the board, and in conducting such hearing, the board shall not be bound by the technical rules of evidence. No informality of procedure in the conduct of such hearing shall invalidate any decision made by the board. At the conclusion of the hearing, the board shall render a decision (a) affirming the disciplinary action taken if it is reasonably satisfied from the evidence offered at the hearing that the disciplinary action taken was lawful or was not too severe; or (b) reversing the action of the appointing authority if it is reasonably satisfied from such evidence that the disciplinary action taken was not lawful; or (c) modifying the disciplinary action taken and prescribing the proper penalty if it is reasonably satisfied from such evidence that the employee was subject to some disciplinary action, but that the penalty imposed was too severe. If the board's decision reduces the severity of the disciplinary action taken against the employee, the board, in its decision, may provide that the employee shall be reinstated with or without pay; provided, however, in the event any employee is so ordered to be reinstated with pay, such pay shall not exceed the amount that the employee as such earned during the thirty (30) days next preceding the taking of the disciplinary action in question. A copy of the board's decision shall be filed with the city clerk of the city and such decision shall become effective immediately upon

such filing, and it shall become final ten (10) days thereafter unless reversed or modified as hereinafter provided. The Personnel Board shall be represented by the city attorney, or an attorney designated by the governing body of the city, and said attorney shall perform such duties as the board may direct and require. Any compensation paid said attorney shall be paid as in Section 22 hereof.

Section 19. Appeal to the Court. Decisions of the board may be enforced in the court by mandamus, injunction, or other appropriate proceedings. The employee, the appointing authority, or the city may, within ten (10) days after the decision of the board is rendered, appeal to said court from any decisions of the board affirming, imposing or refusing to affirm or impose dismissal or demotion as disciplinary action by filing notice of such appeal with the court and causing a copy of such notice to be served on the appointing authority and any member of the board. Upon the filing of such notice, the board shall file with the court a certified transcript of the proceeding had before it with respect to the appeal, and its decision in the matter. The appeal shall be heard at the earliest possible date by said court sitting without a jury on the issues made before the board and the trial in said court shall be de novo. No bond shall be required for such an appeal and the cost of such appeal shall be taxed against the unsuccessful party or as the judge may direct. At the conclusion of such hearing the court may affirm, reverse, or modify the board's decision, or remand the case for further proceedings before the board as the court in its discretion shall deem best. If the order of the court is that the employee shall be reinstated with pay, such pay shall not exceed the amount that the employee as such earned during the thirty (30) days next preceding the taking of the disciplinary action in question. An appeal may be taken from any judgment of said court to the Court of Appeals or Supreme Court as provided by law.

Section 20. Records to be maintained by Board. The board shall maintain adequate records of its proceedings, of its own official acts, the examination record of every candidate, and the employment record of every employee.

Section 21. Political Activities Prohibited. No person holding a position in the classified service shall seek or attempt to use any political endorsement in connection with any appointment to a position in the classified service. No person holding a position in the classified service shall use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in appointment to a position in the classified service, or an increase

in pay or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person or for any consideration. No employee holding a position in the classified service shall, directly or indirectly, pay or promise to pay any assessment, subscription, or contribution for any political organization or purpose, or solicit or take any part in soliciting any such assessment, subscription, or contribution. No person shall solicit any such assessment, subscription, or contribution of any employee holding a position in the classified service. No employee holding a position in the classified service shall be a candidate for nomination or election to any public office, or shall take any part in the management or affairs of any political party or in any political campaign, except to exercise his right as a citizen privately to express his opinion and to cast his vote, unless on authorized leave of absence for such purpose. Any person holding a position in the classified service who violates any provision of this section may be disciplined by dismissal, suspension without pay, or demotion as provided in Section 17 of this act. In addition, any person holding a position in the classified service who wilfully violates any provision of this section shall be guilty of a misdemeanor and upon conviction shall be punished as provided by Section 327 of Title 15 of the Code of Alabama of 1940.

Section 22. Expenses of Board. The governing body shall make necessary appropriations from the general fund to pay the reasonable and necessary expenses incurred by the board and its members in the administration of this act.

Section 23. Right of Governing Body. Nothing herein shall be construed as restricting the right of the governing body (1) to refuse employment and prohibit the further service of any person who is a member of an organization which is opposed to the basic purpose of local self government; or (2) to increase or decrease proportionately the compensation of all employees; or (3) to use independent contractors for performance of work or the rendering of service by the city.

Section 24. The following employees are excluded from the provisions of this act: employees of the gas board, water supply board, water and sewer board, janitors and all employees of the electric department, except the supervisor of said department.

Section 25. Severability. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 26. Repealer. All laws or parts of laws which conflict with this act are repealed.

Section 27. Effective Date. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 22, 1973.

Time: 4:05 P.M.

Act No. 466

S. 535—Weaver

AN ACT

Relating to Talladega County; to permit any bank having an authorized office or place of business in any city or town in such county, upon first obtaining approval of the State Superintendent of Banks, or of the Comptroller of the Currency to establish, maintain, and operate additional offices or places, in cities and towns wholly or partly in such county having not less than 1200 population, according to the last or any subsequent federal decennial census, except in cities or towns in which a bank is already established.

Be It Enacted by the Legislature of Alabama:

Section 1. Any state or national bank whose principal place of business is located in any city or town in Talladega County may establish, maintain and operate additional offices or additional places of business at any place, in cities or towns wholly or partly in such county having not less than 1200 inhabitants, according to the last or any subsequent federal decennial census, upon approval of the State Superintendent of Banks or of the Comptroller of the Currency provided however, that no bank may establish, maintain or operate such a branch or additional office or place of business within any such city or town in which a bank is already established.

Section 2. All laws or parts of laws which conflict with this Act are repealed, and specifically repealed are the provisions of the Code of Alabama 1940, Title 5, Section 125, as to such cities and towns recited in Section One of this Act in Talladega County.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 22, 1973.

Time: 4:05 P.M.

Act No. 467

H. 146—Falkenburg

AN ACT

To amend the title and Section 1 of Act No. 281, S. 217, Third Special Session 1971 (Acts 1971, p. 4556), providing supplemental salaries for supernumerary circuit judges in judicial circuits composed of one county having a certain number of circuit judges.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 281, S. 217, Third Special Session 1971 (Acts 1971, p. 4556), is hereby amended to read as follows:

“An Act To provide for supplementing the salaries of supernumerary circuit judges in judicial circuits composed of one county and having not less than eight circuit judges.”

Section 2. Section 1 of said Act No. 281 is amended to read as follows:

“Section 1. Any supernumerary circuit judge or retired circuit judge in any judicial circuit now or hereafter composed of any one county and having not less than eight circuit judges shall be entitled to receive as additional compensation payable from the treasury of the county, a sum equal to 33% of the compensation paid said judge by the State of Alabama. The salaries or compensation provided for herein is supplemental to the salaries or compensation paid such judges by the state and shall be paid out of the general funds of the county in twelve equal monthly installments on warrants properly drawn against such funds. The supplemental salary provided for by this act shall be in lieu of any and all other sums to be paid from the general funds of the county as provided by any local act or general act of local application. Provided further that all compensation presently received from the general funds of the county shall continue until the benefits provided by this act shall become due and payable.

Section 3. This act shall become effective February 1, 1977.

Approved August 22, 1973.

Time: 4:05 P.M.

Act No. 468

H. 149—Falkenburg

AN ACT

To amend the title and Section 1 of Act No. 282, S. 218, Third Special Session 1971 (Acts 1971, p. 4556), fixing supplemental salaries of circuit

judges in judicial circuits composed of one county having a certain number of circuit judges.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 282, S. 218, Third Special Session 1971 (Acts 1971, p. 4556), is hereby amended to read as follows:

“An Act Fixing supplemental salaries of circuit judges in circuits composed of one county having not less than eight circuit judges.”

Section 2. Section 1 of said Act No. 282 is amended to read as follows:

Section 1. In every judicial circuit composed of only one county and having not less than eight circuit judges, there shall be paid to each circuit judge as supplemental salary to that paid by the State, from the general funds of the county, in equal monthly installments, a sum equal to 33% of the salary paid said judge by the State of Alabama. The County Commission or other governing body of the county comprising such judicial circuit is hereby authorized, empowered and directed to pay the supplemental salary provided herein to each such circuit judge out of the general funds of the county or such other funds as may be available for such purpose; and such salary shall be in addition to any other allowances or expenses provided by law. The supplemental salary provided for by this act shall be in lieu of any and all other sums to be paid from the general funds of the county as provided by any local act or general act of local application. Provided further that all compensation presently received from the general funds of the county shall continue until the benefits provided by this act shall become due and payable, but in no event to be less than the salary presently received from the county general fund.

Section 3. This act shall become effective at the earliest time permitted by law, subject to the provisions of the Constitution of Alabama relating to increasing or diminishing the salaries of judicial officers of this State.

Approved August 22, 1973.

Time: 4:05 P.M.

Act No. 469

H. 212—Turner, Williams

AN ACT

To further amend Code of Alabama 1940, Title 51, Section 348, as

amended, which relates to the levying of a franchise tax on foreign corporations.

Be It Enacted by the Legislature of Alabama:

Section 1. The Code of Alabama 1940, Title 51, Section 348, as amended, is further amended to read as follows:

Section 348. AMOUNT OF LEVY ON FOREIGN CORPORATIONS; CAPITAL DEFINED; CAPITAL EMPLOYED IN STATE; EXCLUSIONS AND DEDUCTIONS.

A. Amount of levy on foreign corporations.—Every corporation organized under the laws of any other state, nation, or territory and doing business in this state, except strictly benevolent, educational or religious corporations, shall pay annually to the state an annual franchise tax of three dollars (\$3.00) on each one thousand dollars (\$1,000.00) of the actual amount of its capital employed in this state. Corporations which have qualified to do business in this state shall for the purpose of this title prima facie be held to be doing business in Alabama. Provided, however, in no event shall the amount paid by any corporation for annual franchise tax be less than the sum of twenty-five dollars (\$25.00).

B. Definition of capital.—The total capital of such foreign corporation shall be deemed to be an amount equal to the sum of the following:

1. The outstanding capital stock;
2. Surplus and undivided profits, which shall include any amounts designated for the payment of dividends until such amounts are definitely and irrevocably placed to the credit of stockholders subject to withdrawal on demand;
3. The amount of bonds, notes, debentures or other evidences of indebtedness maturing and payable more than one year after the first day of the franchise tax year;
4. The amount of the bonds, notes, debentures or other evidences of indebtedness maturing and payable at any time to (a) any individual stockholder owning directly or indirectly 10% or more of the capital stock of such foreign corporation or (b) another corporation owning more than 50% of the capital stock of such corporation, or (c) another corporation more than 50% of the capital stock of which is owned by such foreign corporation, and which other corporation referred to in (b) or (c) is not also required to pay a franchise tax to the state of Alabama;
5. The amount reasonably required to adjust the depreciable property accounts for any rapid, excessive, or un-

reasonable depreciation charges, or amortization, so as to restore the depreciable property accounts, for franchise tax purposes, to original cost less depreciation computed on the basis of the useful life of such property to the corporation.

C. Determination of capital employed in state.—The actual amount of such total capital as herein defined which is employed in this state shall be determined in accordance with generally accepted accounting principles appropriate in the particular case and such determination shall establish a rebuttable presumption as to the actual amount of capital employed by the corporation in this state; provided, however, that in the case of organizations whose accounts and records are kept according to rules prescribed by a regulatory agency or instrumentality of the United States or by the Alabama public service commission, or by a state insurance department, the actual amount of capital employed in this state as so determined shall in no event exceed the value of the sum of (1) its tangible property located in this state and (2) its intangible property employed in the conduct of its business in this state.

D. Exclusions and deductions.—(1) There shall be excluded from the amount of capital as determined in subsection B the investment by the taxpayer in the capital of other corporations organized under the laws of Alabama, or under the laws of any other state if such other corporations also pay a franchise tax to the state of Alabama, unless the taxpayer is a dealer in stocks or securities and (2) there shall be deducted from the amount of capital employed in this state as determined in accordance with subsections B and C hereof, the following amounts: (a) The aggregate amount of loans of money made by the taxpayer in this state and which shall be secured by existing mortgage or mortgages to it on real estate in this state and upon which mortgage or mortgages there shall have been paid the recording privilege tax provided by law; (b) the amount invested by the taxpayer in bonds or other securities issued by the state of Alabama, or any county, municipality or other political subdivision of the state of Alabama, or any public corporation organized under the laws of the State of Alabama, unless such corporation is a dealer in securities; and (c) the amount invested by the taxpayer in all devices, identifiable parts of devices, systems and facilities used or placed in operation in the state of Alabama primarily for the protection of the public and the public interest through the control, reduction or elimination of air or water pollution.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 22, 1973.

Time: 4:05 P.M.

Act No. 470

H. 251—Callahan, Collins

AN ACT

To make an appropriation to the Department of Public Safety from the General fund of the State for certain communications system conversion requirements as recommended by the State Communications Master Plan.

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of \$225,000.00 or so much thereof as may be necessary is hereby appropriated from the general fund in the State treasury to the use of the Department of Public Safety for the purchase and installation of communications equipment to carry out certain communications system conversion requirements as recommended by the State Communications Master Plan.

Section 2. The appropriation herein made shall not lapse or revert at the end of the fiscal year but shall be carried forward and continue from year to year or until such time as all such communications system conversion requirements shall have been met and completed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 22, 1973.

Time: 4:05 P.M.

Act No. 471

H. 287—Waggoner, Wallace, Weeks, Jones (E),
Meeks, Gafford, Ellis, Boles, Timmons,
Dill, Bowers, Boutwell, McBride, Doss

AN ACT

To fix and prescribe the salary of the tax collector in each county having a population of 600,000 or more according to the last or any subsequent federal census.

Be It Enacted by the Legislature of Alabama:

Section 1. The tax collector in each county of the state having a population of 600,000 or more according to the last or

any subsequent federal census shall be paid from the general fund of such county or counties the sum of \$21,945.00 per year, to be paid in equal monthly installments, beginning with the next term for which a tax collector shall be elected for such county.

Section 2. The above salary shall not be deemed to include any additional compensation which may be provided by Act No. 705, enacted at the 1965 Regular Session of the Legislature of the State of Alabama, approved September 1, 1965 (Acts of 1965, p. 1306, 1307), for the performance of the functions and duties therein provided.

Section 3. All fees, commissions, costs or other emoluments, not allowed by law to each such officer shall be, by such officer, collected and paid into the general fund of such county as other monies belonging to such county are now paid.

Section 4. All laws and parts of laws in conflict with this act are hereby repealed to the extent of such conflict. This Act shall not, however, be deemed to repeal Act No. 705, enacted at the 1965 Regular Session of the Legislature of the State of Alabama, approved September 1, 1965 (Acts of 1965, p. 1306, 1307).

Section 5. This act shall take effect immediately upon its passage and approval by the governor or upon its otherwise becoming a law.

Approved August 22, 1973.

Time: 4:10 P.M.

AN ACT

Act No. 472

H. 301—Snell

Relating to Chambers County: To create and establish in Chambers County, in lieu of the County Court and the Juvenile Court, a court with county-wide limited jurisdiction of criminal cases, civil actions at law and of juvenile cases, said court to be known as the Civil and Criminal Court of Chambers County, Alabama; providing it with officers and providing their powers, and duties; naming the Judge of Probate to also serve as the Judge of said Court; regulating its procedure and process, and for the return of warrants thereto, including all warrants for the violation of the rules of the road and similar offenses; fixing the costs, charges and commissions collectible therein; providing for the disposition of costs, charges, commissions, fines and forfeitures collected therein; providing a special trial tax on civil and criminal cases for the establishment and maintenance of a county law library; abolishing the County Court and the Juvenile Court of Chambers County; and providing for the transfer and trial of cases pending in the County Court of Chambers County, the former Justice of Peace Courts, and in the Juvenile Court of Chambers County, at the time this Act takes effect, to the Civil and Criminal Court of Chambers County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. Inferior Court Created. There is hereby established in Chambers County a court with county-wide limited jurisdiction of criminal cases and civil actions at law. The court shall be known as the "Civil and Criminal Court of Chambers County, Alabama." It shall be in lieu of the County Court and the Juvenile Court of said county which are hereby abolished.

Section 2. Jurisdiction. (a) Except as provided in subsection (b) following, the court shall have power to exercise jurisdiction in all actions, causes, matters, proceedings and cases (including bastardy proceedings, actions for unlawful detainer and for the recovery of possession of land, except actions in ejectment, or actions in the nature of action in ejectment), cognizable before a circuit court, or a county court, or a juvenile court, or justices of the peace, immediately before the abolition thereof, or courts created in lieu thereof, and all courts of like jurisdictions. It shall have authority to punish contempts by fine not exceeding fifty dollars (\$50.00), and imprisonment not exceeding five days. It may adopt and enforce rules and regulations relative to pleading, procedure and practice, provided such rules and regulations are not contrary to the Constitution and statutes of the State and law-made rules governing the practice and procedure of courts of record.

(b) The court shall not have power to try persons charged with felonies. It shall not have jurisdiction of any civil action when the matter or sum in controversy exceeds one thousand dollars (\$1,000.00), exclusive of interest and attorney fees, nor take cognizance of any matter or proceeding in equity.

Section 3. Judge. (a) The judge of the Court herein established shall be the Probate Judge of Chambers County, who shall perform the duties of both the Probate Court and the civil and criminal court of Chambers County.

(b) The judge shall have authority to (1) grant writs of certiorari, supersedeas, quo warranto, mandamus, habeas corpus, and all other remedial and original writs which are granted by the circuit judges; (2) grant writs of injunction and ne exeat returnable to a court of proper jurisdiction; (3) administer oaths and take acknowledgements; (4) issue search warrants; (5) exercise such other powers, jurisdiction, or authority as may be conferred by law upon circuit judges, judges of juvenile and county courts, and justices of the peace, immediately before the abolition thereof, including that of magistrates on preliminary examinations. In exercising jurisdiction in juvenile court cases the provisions in Chapter 7, Title 13 of the Code of Alabama 1940, and amendments, shall apply.

(c) The judge shall keep an office in such place or places as may be provided by the Chambers County Commission. His office shall be suitably equipped, furnished, and provided at the expense of the county with a court clerk, one or more deputy clerks, and such office supplies and stationery, stamps, furniture, fixtures, and other materials as may be necessary for the transaction of the business of the court.

(d) In the event the judge is disqualified or unable to act, a special judge shall be appointed as provided in Section 160 of the Constitution and Section 124 of Title 13 of the 1940 Code.

Section 4. Sessions. (a) There shall be a LaFayette Division and a Valley Division of the Court. The LaFayette Division shall include and be composed of the following Commissioners' Districts in Chambers County, viz: Districts one (1) and two (2); and the Valley Division shall include and be composed of the following Commissioners' Districts, viz: Districts the Valley Division shall be held at some place in the City of Lanett or in the police jurisdiction thereof, and the sessions of the LaFayette Division of the Court shall be held at the courthouse in the City of LaFayette. The court, at the discretion of the judge, shall be open any day during the week, except Sunday, for the trial of cases coming within the jurisdiction of the court. On the second and fourth Monday of each month there shall be held a session of the court for the handling, trial and disposition of all cases therein pending in the Valley Division, which shall continue as long as necessary to dispose of the docket. On the first and third Monday of each month, there shall be held a session of the court for the LaFayette Division. But any session of the court in either of the divisions may be dispensed with and continued by the judge when, in the opinion of the judge, the public good or public necessity requires such continuance. As to all civil and criminal actions of which the court shall have jurisdiction, the venue of the acts shall be determined as if each of the two divisions of the county hereinabove provided for constituted a separate county, except that as to any actions instituted in either division of the court, the judge of the court shall have the power and authority to order the transfer or removal of any such action to the other division of the court for trial. All suits and actions on contract or in tort except as otherwise provided in this Act must be brought in the division in which the defendant or one of them resides or in which the debt was created or cause of action arose.

(b) The sheriff shall attend the session of the court in person or by deputy. He shall execute all writs and processes of the court. and perform such other duties as he may be required to perform in the county court or the circuit court except in

juvenile court proceedings where attendance shall be within the discretion of the judge.

Section 5. Practice and Procedure. (a) Except as otherwise provided in this Act, the practice, procedure and process of three (3), four (4), and five (5). The sessions of the Court of the court as to parties, trial, competency of witnesses, admissibility of evidence, the taking of depositions, the filing of interrogatories to opposing parties, regulation of suits, and the time within which suits may be brought shall be governed by the statutes and rules of practice, procedure and process governing the circuit courts.

(b) In civil actions at law when the summons, writ of attachment, summons and complaint in attachment, or other process as required by law shall issue, the defendant shall appear and plead, answer or demur thereto within fifteen days, and the process issued shall so recite.

Section 6. Juries. The court shall not draw, organize, or empanel grand or petit juries. The judge shall decide all issues of fact without the intervention of a jury.

Section 7. Costst. (a) For their attendance upon the court, witnesses shall be entitled to the fees and allowances prescribed by law for witnesses in the county courts, which fees and allowances shall be taxed, collected, and paid in the same manner and according to the same regulations as apply in the circuit courts; provided, however, that in cases where the amount in controversy does not exceed \$300.00, exclusive of interest and attorney fees, witness fees and allowances shall be those heretofore prescribed for justice courts immediately before the abolition thereof.

(b) In addition to the fees for witnesses, the court shall have authority to tax costs and commissions for the use of the officers of the county as follows: (1) in each civil action at law, if the sum in controversy does not exceed three hundred dollars (\$300.00), exclusive of interest and attorney fees, the same as heretofore taxed in justice courts immediately before the abolition thereof; (2) in every other civil action at law, the same as in the circuit court. In every criminal case, the same as in county courts, including fees as provided by Section 86 repealed of Title 11 of Code 1940, except that fees for cases provided for hereinafter under Section 8 (b) the fees shall be as there stated.

(c) A special trial tax, in addition to any other trial tax provided by law, of one dollar (\$1.00) shall be collected in each civil action at law, if the sum in controversy, exclusive of interest and attorney fees, does not exceed three hundred dollars (\$300.00), and in every other civil action at law, and in every criminal case, a special trial tax, in addition to any other trial

tax provided by law, of two dollars (\$2.00) shall be collected, for the use of the county in purchasing and maintaining a county law library.

(d) No costs shall be taxed in juvenile cases.

(e) In addition to the fines and forfeitures now provided by law to be paid into the general fund of Chambers County, Alabama, one-half (50%) of all other fines collected in this court shall be paid into the general fund of Chambers County, Alabama, for the use of the county.

Section 8. Criminal Prosecutions. (a) Prosecutions may be commenced in such court upon the sworn complaint made to the judge or the clerk of the court, who shall issue a warrant of arrest if either is reasonably satisfied that the offense has been committed and that there is reasonable cause to believe that the accused is guilty, the case shall be docketed for trial, and the trial shall be held and conducted as trials after indictments. The clerk shall keep a record of all complaints made and all warrants issued. If the original complaint or warrant is lost, mislaid, or destroyed, a certified copy of the record shall be sufficient for the arraignment and trial of the accused.

(b) All warrants issued in Chambers County for misdemeanors for violation of the rules of the road and other misdemeanors defined or provided for in Code of Alabama, 1940, Title 36, shall be returnable to the Civil and Criminal Court of Chambers County, and shall be there tried. Except as to the special trial tax herein provided, the court costs in such cases shall be the same as provided by law.

(c) The Assistant District Attorney of Chambers County shall be prosecuting attorney of the Civil and Criminal Court of Chambers County and shall attend all sessions of said court and do and perform all duties of a prosecuting attorney therein, and in addition shall attend and represent the State at all preliminary hearings therein and shall do and perform all duties required of an Assistant District Attorney by the Code of Alabama, 1940, Title 13, Section 256.

Section 9. Appeals and Certiorari. Any party aggrieved by a judgment, order or ruling of the court may appeal the decision as herein provided. (a) If the case is a civil case, the appeal or certiorari lies to the Circuit Court of Chambers County and shall be governed by Article 6 of Chapter 8, Title 13 of the 1940 Code, where the trial shall be de novo with trial by jury where demanded by either party as provided by Code 1940, Title 7, Section 264. Where a civil case is tried on appeal in the circuit court and the sum in controversy does not exceed three hundred dollars (\$300.00), exclusive of interest and attorney

fees, the issues shall be made up as provided by Code 1940, Title 13, Section 486; otherwise the pleadings and trial shall be according to the rules of pleading and practice in the circuit court now in effect, or as hereafter amended. (b) If the case arises under the court's jurisdiction with respect to juveniles, the appeal lies to the circuit court and shall be governed by Chapter 7 of Title 13 of the 1940 Code. (c) In every criminal case, the appeal lies to the circuit court and shall be governed by Section 349 of Title 13 of the 1940 Code but with appeal bond to be approved by the clerk and with trial by jury on demand by the defendant as prescribed by Code 1940, Title 15, Section 320.

Section 10. Judgments. The party in whose favor a judgment is rendered shall have all the rights, remedies, and privileges with respect to the registration and enforcement thereof as are provided in Chapter 11 of Title 7 of the 1940 Code.

Section 11. Clerk. (a) The circuit clerk of Chambers County shall be the clerk of the court herein established. He shall have authority to purchase at county expense such records, stationery, office supplies and equipment as may be necessary to conduct the court's business, and to employ at county expense such deputy or deputies as he shall determine necessary, subject to the approval of the County Commission or like governing body, who shall be required to make bond as provided by law for circuit clerks. He shall keep a seal, which shall be the official seal adopted by the court. Before entering upon the performance of his duties as clerk of the Civil and Criminal Court of Chambers County, he must give bond as required by law for clerks of county courts.

(b) It shall be the duty of the clerk to keep all the records, files and dockets of the court in an orderly manner and to perform all other duties required by the judge.

(c) The clerk shall have power and authority: (1) to administer oaths and take acknowledgements and affidavits; (2) to sign and issue all processes issuing out of the court, including warrants, affidavits, summonses, subpoenas, writs, executions, commitments and releases; (3) to approve bonds in civil and criminal cases including appeal bonds; (4) to enter all judgments, orders and decrees of the court; (5) to certify all appeals and transcripts; (6) to exercise all powers and authority which are now or may be hereafter, conferred on clerks of county courts; (7) to appoint deputy clerks, subject to approval to the County Commission or like governing body, who shall have the authority to exercise all powers and perform all functions of the clerk.

Section 12. Transfer of Pending Cases. All cases and actions pending in the County Court of Chambers County and

in the Juvenile Court of Chambers County on the effective date of this Act shall be transferred to the court herein created and shall proceed as though begun therein. As to judgments rendered by the abolished courts, this court shall have the same power to control and may issue executions and other processes thereon in all respects as though the judgments had been rendered by it.

Any unsatisfied judgments rendered by any Justice of the Peace Court in Chambers County prior to the abolition of said Justice of the Peace Courts may be transferred to the civil dockets of the Civil and Criminal Court of Chambers County, Alabama, by a certified copy of said judgment being filed with the clerk of the court within six (6) months after the effective date of this Act, and the clerk of the court shall make and maintain a docket record and file in each cause as though said judgment was rendered by this court.

Section 13. Severability. The provisions of this Act are severable. If any part of it is declared unconstitutional or invalid, such declaration shall not affect the part that remains.

Section 14. Repealer. All laws in conflict with this Act are repealed to the extent of the conflict.

Section 15. Effective Date. This Act shall become effective upon the first day of the first month after its approval by the Governor or upon its otherwise becoming a law.

Approved August 22, 1973.

Time: 4:10 P.M.

Act No. 473

H. 302—Snell

AN ACT

Relating to Chambers County; providing further for the compensation of members of the board of registrars.

Be It Enacted by the Legislature of Alabama:

Section 1. The county governing body of Chambers County is hereby authorized to pay out of the county general fund the sum of \$10.00 per day to each member of the board of registrars for each day's attendance upon the sessions of the board. The compensation provided for under this act shall be in addition to any compensation of registrars payable by the state.

Section 2. This act shall become effective immediately

upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 22, 1973.

Time: 4:10 P.M.

Act No. 474

H. 303—Snell

AN ACT

To repeal Act No. 2001, H. 2308, Regular Session 1971 (Acts 1971, p. 3241), relating to counties having populations of not less than 35,000 nor more than 38,000, according to the last federal decennial census, which act abolishes the Court of County Commission of such counties and creates in lieu thereof a County Commission.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 2001, H. 2308, Regular Session 1971 (Acts 1971, p. 3241), relating to counties having populations of not less than 35,000 nor more than 38,000, according to the last federal decennial census, which act abolishes the Court of County Commission of such counties and creates in lieu thereof a County Commission, is hereby repealed.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 22, 1973.

Time: 4:10 P.M.

Act No. 475

H. 304—Snell

AN ACT

Relating to Chambers County; abolishing the Court of County Commission of the county, and creating in lieu thereof the Chambers County Commission; dividing such county into commissioner's districts; providing for the election, terms and qualifications of the commissioners; providing that the probate judge shall have no duties with respect to the county governing body; fixing the compensation of the commissioners; providing for retroactive effect of this Act; and validating all acts of and compensation paid to said commission under the provisions of Act No. 2001, H. 2308, Regular Session 1971 (Acts 1971, p. 3241).

Be It Enacted by the Legislature of Alabama:

Section 1. The Court of County Commission of Chambers County is hereby abolished, and there is created in lieu thereof

the Chambers County Commission, to be composed of five commissioners as hereinafter provided. Each commissioner shall be a resident and qualified elector of a commissioner's district as provided herein, and shall be elected by the electors of the county at large at the general elections held in November of 1974 and November of 1976. Each commissioner shall serve four years from the first Monday after the second Tuesday in January next following his election, and until his successor is elected and qualified. In the event of a vacancy, the same shall be filled by appointment by the Governor for the unexpired term. Commissioners for Districts 2 and 4 shall be elected in 1974. Commissioners for Districts 1, 3, and 5 shall be elected in 1976.

Section 2. The commissioner's districts of the county as prescribed in Section 1 of this Act shall be divided as follows: District No. 1 shall embrace and comprise Beats 1, 2, 3, 4, 5, and 6. District No. 2 shall embrace and comprise Beats 8, 9, 10, 11, 12.

District No. 3 shall embrace and be comprised of the following sections located in Beat 7 of such county; T22N, Range 27E, Sections 1, 2, 11, 12, 13, 14, 23, and 24; T22N, Range 28E, Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, and 30, plus all of the area within the corporate limits of the City of Lanett. District No. 4, shall embrace and be comprised of the following sections located in Beat 7; T22N, Range 27E, Sections 25, 26, 35, and 36; T22N, Range 28E, Sections 31, 32, 33, 34, and all of that portion of Section 35 and 36 not within the corporate limits of the City of Lanett; plus T22N, Range 29E, Sections 31 and 32. District 4 shall also embrace and be comprised of the following sections located in Beat 13: T21N, Range 28E, Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, and 22; T21N, Range 29E, Sections 5 and 6.

District 5 shall embrace and be comprised of the following sections located in Beat 13: T21N, Range 28E, Sections 11, 12, 13, 14, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36; T21N, Range 29E, Sections 7, 17, 18, 19, 20, 27, 28, 29, 30, 31, 32, 33, and 34; T20N, Range 28E, Sections 1, 2, 3, 4, 5, and 6; T20N, Range 29E, Sections 4, 5, and 6.

Section 3. The Chambers County Commission shall have all of the jurisdiction and powers which are, or which hereafter may be vested in County Commissions, Boards of Revenue, or other like governing bodies of the state by general law, or in the governing body of any such county by local law. The County Commission shall meet at least four times in each calendar month, and at the first meeting of each year shall elect a chairman from their number who shall serve as such for a one year term. Such

chairman shall receive a salary of \$7,200 per annum, and the four commissioners shall receive \$6,000 per annum, each to be paid from county funds, including the road and bridge fund, in equal monthly installments.

Section 4. As of the beginning of the terms of office of the first members of the Chambers County Commission, as herein provided, the judge of probate of the county shall have no duties, powers and authority as presiding officer of the county governing body and such duties, powers and authority shall be assumed by the chairman of the commission as provided herein. Any compensation or allowances paid to the judge of probate for his duties in connection with the governing body shall cease at the time the members of the County Commission take office as provided herein.

Section 5. All laws or parts of laws which conflict with this Act are repealed.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. The provisions of this Act are retroactive to September 20, 1971, and all acts of and compensation paid to members of the county governing body as constituted under the provisions of Act No. 2001, H. 2308, Regular Session 1971 (Acts 1971, p. 3241), are hereby validated, affirmed and approved.

Approved August 22, 1973.

Time: 4:10 P.M.

Act No. 476

H. 305—Snell

AN ACT

Relating to Chambers County; relieving the chief clerk of the probate judge of such county of any duties as purchasing agent for the county, and authorizing the governing body to appoint another such purchasing agent; repealing conflicting laws and specifically repealing Act No. 495, H. 929, Regular Session 1953 (Acts 1953, p. 623).

Be It Enacted by the Legislature of Alabama:

Section 1. In Chambers County, the chief clerk of the probate judge of any such county shall be relieved of all duties as county purchasing agent, at such time as the governing body of Chambers County may direct. The governing body of the county to which this Act applies may at its discretion, appoint a purchasing agent, prescribe his powers and duties, and fix his compensation.

Section 2. All laws or parts of laws in conflict herewith are hereby repealed, and Act No. 495, H. 929, Regular Session 1953, (Acts 1953, p. 623) is hereby expressly repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 22, 1973.

Time: 4:10 P.M.

Act No. 477

H. 331—McCorquodale, Lyons, Mathews,
Drake, Bank

AN ACT

To make appropriations for Mental Health purposes and for the payment of principal and interest on Mental Health Bonds issued by the University of Alabama pursuant to Constitutional Amendment No. CXLI.

Be It Enacted by the Legislature of Alabama:

Section 1. The following appropriations are hereby made for Mental Health purposes and for the payment of principal and interest on Mental Health Bonds issued by the University of Alabama pursuant to Constitutional Amendment No. CXLI.

(1) BOARD OF TRUSTEES OF
AUBURN UNIVERSITY:

To the Psychology Department,
for the training of psychologist:

For the fiscal year ending September 30, 1974	100,000.00
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For the fiscal year ending September 30, 1975	100,000.00
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(2) BOARD OF TRUSTEES OF
UNIVERSITY OF ALABAMA:

(a) For the University of Alabama in Birmingham, for salaries, stipends and scholarships in Psychiatry; for the training of professional Mental Health personnel and psychiatric nurses, and state indigent mental patients:

For the fiscal year ending September 30, 1974	1,900,000.00
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For the fiscal year ending
September 30, 1975 2,000,000.00

b) For the University of Alabama:

To the Psychological Clinic
for the training of psychologist:

For the fiscal year ending
September 30, 1974 100,000.00

For the fiscal year ending
September 30, 1975 100,000.00

For the Center for Emotionally
Disturbed Children 275,000.00

(c) To the State Mental Health
Department:

For operation and maintenance of the
State Mental Health Department in-
cluding the purchase of drugs to medi-
cally indigent mental patients not hos-
pitalized at time of receiving drugs
at the Alabama State Hospitals,

For the fiscal year ending
September 30, 1974 34,077,488.00

For the fiscal year ending
September 30, 1975 33,966,919.00

For operation and maintenance of the
State Mental Health Department, con-
ditional upon funds being made avail-
able from conditional appropriations
from the State General Fund to the
Special Mental Health Fund,

For the fiscal year ending
September 30, 1974 2,000,000.00

For the fiscal year ending
September 30, 1975 4,000,000.00

Provided, however, that none of the
appropriations hereinabove made may
be used to pay rent for office space in
any new building in Montgomery
County except for any office building
which may be built under the super-
vision of the State Building Com-
mission.

For operation and maintenance of
Community Mental Health Programs:

For the fiscal year ending
September 30, 1974 4,000,000.00

For the fiscal year ending
September 30, 1975 5,000,000.00

(d) For the payment of principal and
interest due on bonds issued by the
University of Alabama pursuant to
Constitutional Amendment CLXI:

For the fiscal year ending
September 30, 1974 200,012.00

For the fiscal year ending
September 30, 1975 200,581.00

(The appropriations hereinabove made shall
be paid from the funds deposited in the
State Treasury to the credit of the Special
Mental Health Fund.)

**Section 2. STATE DEPARTMENT OF
MENTAL HEALTH:**

For transfer to the State Personnel Department,

For the fiscal year ending
September 30, 1974 90,000.00

For the fiscal year ending
September 30, 1975 90,000.00

For the support, maintenance and capital ex-
penditures the several sums appropriated in
item (c) of Section 1 (2) of this Act and the
amounts provided in Act No. 654, 1965 Regular
Session and Act No. 275, 1967 Regular Session
and the General Appropriation Bill are hereby
appropriated. Expenditures to be made at the
direction of the Alabama Mental Health Board.

Section 3. In addition to the appropriations herein made,
all gifts, grants, or contributions, including grants by the Con-
gress of the United States, municipalities or counties, to this
department, are hereby appropriated and in the event the same
are recurring, are reappropriated to this department, to be used
only for the purpose or purposes for which the grant or
contribution was or shall be made.

Section 4. This Act shall become effective October 1, 1973.

Approved August 22, 1973.

Time: 4:10 P.M.

Act No. 478 H. 636—Boles, Jones (E), Doss, Dill, Waggoner,
Timmons, Adwell, Falkenburg, Ellis

AN ACT

To fix the compensation or salary of the assistant Tax Assessor or deputy Tax Assessor of any branch office of the Tax Assessor in counties having a population of 600,000 or more according to the last or any subsequent federal census, and provide for payment thereof.

Be It Enacted by the Legislature of Alabama:

Section I: This act shall apply in all counties having a population of 600,000 or more, according to the last or any subsequent federal census.

Section II: That the assistant Tax Assessor or deputy Tax Assessor of counties having a population of 600,000 or more shall receive a salary of \$15,840.00 per annum, which salary shall be paid out of the County Treasury of said County in equal monthly installments.

Section III: That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Section IV: This act shall become effective October 1, 1973.

Approved August 22, 1973.

Time: 4:10 P.M.

Act No. 479 H. 649—Falkneburg, Boles, Jones (E), Erdreich,
Adwell, Dill, Timmons, Boutwell,
Waggoner

AN ACT

To amend further Section 2 of Act No. 695, H. 1072, Regular Session 1951, an act relating to the registration and purgation of voters in counties having populations of 400,000 or more (Acts 1950-1951, v. 2, p. 1198).

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 695, H. 1072, Regular Session 1951, an act relating to the registration and purgation of voters in counties having populations in excess of 400,000 (Acts

1950-1951, v. 2, p. 1198, as amended, is amended further so as to read as follows:

"2. The chairman of the board of registrars shall be appointed by the Governor as provided in Section 21, Title 17, Code of Alabama 1940. The chairman shall serve full time and shall receive for such services, in addition to the compensation payable by the State as heretofore provided by law, the sum of \$666.00 a month, which shall be payable from the general funds of the county, which shall be the total amount to be paid such chairman out of the general funds of the county. The provisions of Section 56, Title 17, Code of Alabama 1940 and of Section 4 of Act No. 668, General Acts of 1947, approved October 8, 1947 (1947 Acts, pp. 509 et seq.) shall not have application to any of the counties described in Section 1 of this Act."

Section 2. This Act shall take effect on the first of October 1973.

Approved August 22, 1973.

Time: 4:10 P.M.

Act No. 480 H. 689—Boutwell, Falkenburg, Dill, Weeks,
McBride, Wallace, Gafford, Meeks,
Waggoner

AN ACT

In all counties having a population of 500,000 or more according to the last or any succeeding Federal Decennial Census. Each member of the jury board, Commission or like body shall be paid an additional sum of fifty dollars (\$50.00) per month, to be paid monthly out of the County Treasury.

Be It Enacted by the Legislature of Alabama:

In all counties having a population of 500,000 or more according to the last or any succeeding Federal Decennial Census, each member of the jury board, Commission or like body shall be paid an additional sum of fifty dollars (\$50.00) per month out of the County Treasury.

This Act shall take effect immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 22, 1973.

Time: 4:15 P.M.

Act No. 481

H. 752—Robertson

AN ACT

Relating to counties having a population of not less than 110,000 and not more than 150,000, authorizing the county governing body to furnish an assistant legal stenographer for the District Attorney in certain counties classified on a population basis, and further to bring any already existent legal stenographer of the District Attorney in such counties under the provisions of civil service or merit system of such counties, and to empower such officers to appear before Grand Jury sessions to record or report the testimony of witnesses therein.

Be It Enacted by the Legislature of Alabama:

Section 1. In any counties having a population of not less than 110,000 and not more than 150,000 according to the last or any subsequent federal decennial census, any office of Legal Stenographer of the District Attorney of such county which has heretofore been established and provided for is hereby made subject to the civil service or merit system Act of such county. The salary of such office shall not be changed by this Act. Immediately upon passage and approval of this Act, the District Attorney shall appoint a competent qualified person to the office of Legal Stenographer of the District Attorney of such county, such Legal Stenographer to have civil service status and be removable by the District Attorney only for cause in accordance with the civil service or merit system of such county. However, any subsequent vacancy in such office shall be filled in the manner of vacancies in other offices covered by the civil service or merit system of such counties. Such Legal Stenographer shall be empowered and authorized to appear before Grand Jury sessions in such counties for the purpose of reporting or recording the testimony of witnesses appearing before such Grand Jury sessions, and shall do so at such times as may be deemed desirable by the District Attorney of such counties.

Section 2. The county governing body in such counties is hereby authorized to establish and provide for a position of Assistant Legal Stenographer of the District Attorney of such county. Such Assistant Legal Stenographer shall assist the Legal Stenographer of the District Attorney of such county in the conduct of the duties and responsibilities of that office and shall act as such officer in the absence of such officer, and shall act under the direction of the District Attorney and of said Legal Stenographer in carrying out such duties. The Assistant Legal Stenographer shall be empowered and authorized to appear before Grand Jury sessions in such counties for the purpose of reporting or recording the testimony of witnesses appearing before such Grand Jury, and shall do so at such times as may be deemed desirable by the District Attorney of such county.

The District Attorney of such county shall, subject to the civil service or merit system Act of such county, appoint such Assistant Legal Stenographer, whose compensation shall be established by the civil service or merit system board of such county, which shall be paid by the county governing body of such county as salaries of other employees and officers of such county are paid.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 22, 1973.

Time: 4:15 P.M.

Act No. 482 H. 776—Timmons, Ellis, Adwell, Jones (E),
Dill, Falkenburg, Doss, Weeks,
McBride, Boutwell, Waggoner,
Boles, Wallace, McNair, Hughes

AN ACT

To fix the compensation or salary of the Assistant to the Sheriff of any branch office of the Sheriff in counties having a population of 600,000 or more according to the last or any subsequent census, and provide for payment thereof; and to change the designation of said office to "Assistant Sheriff".

Be It Enacted by the Legislature of Alabama:

Section I: This act shall apply in all counties having a population of 600,000 or more, according to the last or any subsequent federal census.

Section II: That the Assistant to the Sheriff of counties having a population of 600,000 or more shall receive a salary of \$17,900.00 per annum, which salary shall be paid out of the County Treasury of said county as the salaries of other county employees are paid.

Section III: From and after the effective date of this Act, the Assistant to the Sheriff in charge of any branch office of the Sheriff in counties having a population of 600,000 or more shall be known as and designated as the "Assistant Sheriff", and shall perform the duties heretofore performed by the said Assistant to the Sheriff.

Section IV: That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

Section V: This act shall become effective October 1, 1973.

Approved August 22, 1973.

Time: 4:15 P.M.

Act No. 483 H. 781—Falkenburg, Dill, Timmons, McMillan,
Hughes, Boutwell, Doss, McBride,
Wallace, Adwell, Meeks, Ellis,
Waggoner, Boles, Erdreich

AN ACT

To fix the compensation or salary of the Judges of the Criminal Court of Jefferson County and to regulate the payment of salaries of said Judges.

Be It Enacted by the Legislature of Alabama:

Section 1. Each Judge of the Criminal Court of Jefferson County shall receive a total annual salary of twenty three thousand one hundred eighty Dollars (\$23,180.00), which salary shall be paid out of the Jefferson County Treasury as the salaries of other county employees are paid.

Section 2. That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

Section 3. This Act shall become effective at the beginning of the next term of office of the Judges of said Criminal Court of Jefferson County.

Approved August 22, 1973.

Time: 4:15 P.M.

Act No. 484 H. 782—Falkenburg, Dill, Timmons, McMillan,
Hughes, Boutwell, Doss, McBride,
Adwell, Wallace, Meeks, Ellis,
Waggoner, Boles, Erdreich

AN ACT

To fix the compensation or salary of the Judges of the Civil Court of Jefferson County and to regulate the payment of salaries of said Judges.

Be It Enacted by the Legislature of Alabama:

Section 1. Each Judge of the Civil Court of Jefferson County shall receive a total annual salary of twenty three

thousand one hundred eighty and no/100 dollars (\$23,180.00), which salary shall be paid out of the Jefferson County Treasury as the salaries of other county employees are paid.

Section 2. That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

Section 3. This Act shall become effective at the beginning of the next term of office of the Judges of said Civil Court of Jefferson County.

Approved August 22, 1973.

Time: 4:15 P.M.

Act No. 485 H. 784—Gafford, Dill, Doss, Boutwell, Boles,
 McBride, McMillan, Falkenburg,
 McNair, Hughes, Timmons, Adwell,
 Meeks, Ellis, Wallace

AN ACT

To fix and provide for the salary of the tax assessor in each county of the state having a population of 600,000 or more, according to the last or any subsequent federal census.

Be It Enacted by the Legislature of Alabama:

Section 1. The tax assessor in each county having a population of 600,000 or more according to the last or any subsequent federal census shall be paid out of the general fund of such county or counties, the sum of \$19,950.00 per year, to be paid in equal monthly installments, beginning with the next term for which a tax assessor shall be elected for such county.

Section 2. All fees, commissions, costs or other emoluments now allowed by law to such officer shall be, by such officer collected and paid into the general fund of such county, or counties, as other monies belonging to the county, or counties, are now paid.

Section 3. All laws or parts of law in conflict with this Act are hereby repealed to the extent of such conflict.

Section 4. This act shall take effect immediately upon its passage and approval by the governor or upon its otherwise becoming law.

Approved August 22, 1973.

Time: 4:15 P.M.

Act No. 486

H. 306—Snell

AN ACT

To repeal Act No. 1696, H. 2309, Regular Session 1971 (Acts 1971, p. 2856), an act relating to all counties having populations of not less than 35,000 nor more than 38,000, according to the last federal decennial census; relieving the chief clerk of the probate judge of any duties as purchasing agent for the county, and authorizing the governing body to appoint another purchasing agent.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 1696, H. 2309, Regular Session 1971 (Acts 1971, p. 2856), an act relating to all counties having populations of not less than 35,000 nor more than 38,000, according to the last federal decennial census; relieving the chief clerk of the probate judge of any duties as purchasing agent for the county, and authorizing the governing body to appoint another purchasing agent, is hereby repealed.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 22, 1973.

Time: 4:15 P.M.

Act No. 487 H. 803—Cauthen, Smith (P), Edwards, Smith (K)

AN ACT

To amend Sections 38, 39 and 51 of Title 18 of the Code of Alabama 1940, relating to electric cooperatives, so as to provide for the designation of a quorum at all meetings of the members, to provide for the board of trustees of the cooperative, and to provide for the encumbering of the property of the cooperative.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 38 of Title 18 of the Code of Alabama 1940, is hereby amended to read as follows:

“Section 38. **Members.**—No person who is not an incorporator shall become a member of a cooperative unless such person shall agree to use electric energy furnished by the cooperative when such electric energy shall be available through its facilities. The bylaws of a cooperative may provide that any person, including an incorporator, shall cease to be a member thereof if he shall fail or refuse to use electric energy made available by the cooperative or if electric energy shall not be made available to such person by the cooperative within a

specified time after such person shall have become a member thereof. Membership in the cooperative shall not be transferable, except as may be provided in the bylaws. The bylaws may prescribe additional qualifications and limitations in respect of membership. An annual meeting of the members shall be held at such time as shall be provided in the bylaws. Special meetings of the members may be called by the board of trustees, by any three trustees, by not less than ten percent of the members, or by the president. Meetings of members shall be held at such place as may be provided in the bylaws. In the absence of any such provision, all meetings shall be held in the city or town in which the principal office of the cooperative is located. Except as hereinafter otherwise provided, written or printed notice stating the time and place of each meeting of members and, in the case of a special meeting, the purpose or purposes for which the meeting is called, shall be given to each member, either personally or by mail, not less than five nor more than forty days before the date of the meeting. Three percent of all members present in person shall constitute a quorum for the transaction of business at all meetings of the members, unless the bylaws prescribe the presence of a greater percentage of the members for a quorum. If less than a quorum is present at any meeting, a majority of those present in person may adjourn the meeting from time to time without further notice. Each member shall be entitled to one vote on each matter submitted to a vote at a meeting. Voting shall be in person, but, if the bylaws so provide, may also be by proxy or by mail, or both. If the bylaws provide for voting by proxy or by mail, they shall also prescribe the conditions under which proxy or mail voting shall be exercised. No person shall vote as proxy for more than three members at any meeting of the members."

Section 2. Section 39 of Title 18 of the Code of Alabama 1940, is hereby amended to read as follows:

"Section 39. Board of Trustees.—The business and affairs of a cooperative shall be managed by a board of not less than five trustees, each of whom shall be a member of the cooperative or of another cooperative which shall be a member thereof, or a person designated by the governing body or board of directors of a municipality or other corporation, respectively, which is a member thereof. The bylaws shall prescribe the number of trustees, their qualifications, other than those provided for in this chapter, the manner of holding meetings of the board of trustees, and of the election of successors to trustees who shall resign, die, or otherwise be incapable of acting. The bylaws may also provide for the removal of trustees from office and for the election of their successors. Without approval of the members, trustees shall not receive any salaries for their

services as trustees and, except in emergencies, shall not be employed by the cooperative in any capacity involving compensation. The bylaws may, however, provide that a fixed fee and expenses of attendance, if any, may be allowed to each trustee for attendance at each meeting of the board of trustees. The trustees of a cooperative named in any articles of incorporation, consolidation, merger, or conversion, as the case may be, shall hold office until the next following annual meeting of the members or until their successors shall have been elected and qualified. At each annual meeting or, in case of failure to hold the annual meeting as specified in the bylaws, at a special meeting called for that purpose, the members shall elect trustees to hold office until the next following annual meeting of the members except as hereinafter otherwise provided. Each trustee shall hold office for the term for which he is elected or until his successor shall have been elected and qualified. The bylaws may provide that, in lieu of electing the whole number of trustees annually, the trustees shall be divided into classes at the first or any subsequent annual meeting, each class to be as nearly equal in number as possible, with the term of office of the trustees to be staggered. At each annual meeting after such classification a number of trustees equal to the number of the class whose term expires at the time of such meeting shall be elected. A majority of the board of trustees shall constitute a quorum. If a husband and wife hold joint membership in a cooperative, pursuant to appropriate by-law provision, either one, but not both, may be elected as a trustee. The board of trustees may exercise all of the powers of a cooperative except such as are conferred upon the members by this chapter, or its articles of incorporation or bylaws."

Section 3. Section 51 of Title 18 of the Code of Alabama 1940, is hereby amended to read as follows:

"Section 51. **Disposition of property**—A cooperative may not sell or lease all or any substantial portion of its property, unless such sale or lease is authorized at a duly held meeting of the members thereof by the affirmative vote of not less than two thirds of all the members of the cooperative, and unless the notice of such sale or lease shall have been contained in the notice of the meeting. A cooperative may mortgage, by mortgage or deed of trust, pledge or otherwise encumber, to secure any indebtedness of the cooperative, all or any portion of its property, assets, and the revenues and income therefrom, from time to time, when authorized by the affirmative vote of a majority of its members at a duly held meeting after proper notice thereof. The board of trustees of a cooperative, without further authorization of the members thereof, shall have full power and authority to authorize from time to time the execution and delivery of a mortgage or mortgages or a deed or deeds of

trust upon, or the pledging or encumbering of, all or any portion of the property, assets, rights, privileges, licenses, franchises, and permits of the cooperative, whether acquired or to be acquired, and wherever situated, as well as the revenues and income therefrom, all upon such terms and conditions as the board of trustees shall determine, to secure any indebtedness of the cooperative within the limit authorized by the members, to the United States of America, any instrumentality or agency thereof, to any financing institution organized on a cooperative plan for the purpose of financing its members' programs, projects and undertakings, in which the cooperative holds membership, any bank or other financial institution lending money or credit to the cooperative."

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional such declaration shall not affect the remainder.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 22, 1973.

Time: 4:15 P.M.

Act No. 488 H. 900—Timmons, Meeks, Gafford, McBride,
Jones (E), Doss, Boles, Boutwell,
Wallace, Adwell Hughes, McNair,
Weeks, Bowers, Ellis

AN ACT

To provide retirement allowances for elected officials and former elected officials and former employees who are or have been elected officials of all municipalities of the state having a population of 300,000 or more according to the last and subsequent federal census.

Be It Enacted by the Legislature of Alabama:

Section 1. As used herein, the following terms have the meaning hereby ascribed to them: "City" means any city of the state having a population of 300,000 or more according to the last and any subsequent federal census.

Section 2. Subject to the limitations herein prescribed, each person, who has served, or shall hereafter serve as an elected official for the time prescribed herein shall be entitled to, and shall be paid, a retirement allowance equal to fifty percent (50%)

of the average compensation he received as salary during the five (5) highest paid years while he served as an elected official.

The time required to entitle a person to the aforesaid pension shall be more than seven (7) years in the municipal office plus not less than eighteen (18) years as an employee of any such City making a total of not less than twenty five (25) years.

The retirement benefits provided for by this Act shall start when the person entitled thereto attains his 65th birthday, or upon enactment of this Act, whichever event occurs last, and is no longer employed by or serving as a full-time elected official of a city, county, state or federal government provided, however, that no such retirement allowance shall be paid to any person entitled to receive under any other law a pension or retirement benefit from the State of Alabama or any county or municipality of the State.

Section 3. The retirement pension provided by this Act shall be paid from the general funds of the city.

Section 4. This Act shall apply to former full-time elected officials now in retirement as well as those who now are, or hereafter become full-time elected officials.

Section 5. The provisions of this Act are severable; should any part of this Act be declared unconstitutional or void, such declaration shall not affect the remaining provisions.

Section 6. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 22, 1973.

Time: 4:15 P.M.

Act No. 489

H. 1270—Crawford, Connell

AN ACT

To create a court with County wide limited jurisdiction of criminal cases and civil action which court shall be called the Inferior Court of Henry County, Alabama; to provide for the jurisdiction of said Inferior Court of Henry County, Alabama; to provide for regular monthly sessions of said Inferior Court of Henry County, Alabama, as to civil cases and criminal cases; to provide for the jurisdiction and powers of the court hereby established and the officers thereof; to fix their duties, powers, authority and compensation, their election or appointment, terms of office, and for costs and fees in such court; to abolish the County Court of Henry County and the Juvenile Court of Henry County and all Justice of the Peace Courts in said County; and to provide for the transfer of all

cases pending in County Court of Henry County and the Juvenile Court of Henry County to the newly established Inferior Court of Henry County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby established in Henry County a court with limited jurisdiction of criminal cases and civil action at law. The court shall be known as the Inferior Court of Henry County, Alabama.

Section 2. (a) The court shall be open at all times for the transaction of business. Regular Sessions shall be held on the first Monday in each month, for the trial of criminal cases, and on the third Monday in each month for the trial of civil action and actions against or involving juveniles. Special sessions may be held at such times as the Judge shall designate. Sessions may continue so long as may be necessary for the court to complete business of the court. The Judge shall be available at all times to receive guilty pleas, assess fines and enter such orders and judgments as may be appropriate.

(b) The sheriff shall attend the regular criminal sessions of the court in person, or by deputy, and shall attend other sessions when requested by the Judge.

Section 3. Cases and actions pending in the County Court, the Juvenile Court and all Justice of the Peace Courts in Henry County on the effective date of this act, together with all documents, papers, judgments, and orders of said court therein shall be transferred to the court hereby created and shall proceed therein as though begun therein. All judgments rendered by the County Court, the Juvenile Court or any Justice of the Peace Court of Henry County, may be enforceable by this court the same as if they had been rendered by this court and this court shall have full power and control over the same and may issue executions and other process therein the same as if the judgments and orders had been originally rendered in this court.

Section 4. (a) Except as provided in subsection (b) of this subsection, the Inferior Court of Henry County, Alabama, shall have and exercise jurisdiction in all actions, causes, matters, proceedings, and cases including actions of unlawful detainer, actions for recovery of land, except actions in ejectment, cognizable before the Circuit Court; cases of desertions and non-support instituted by virtue of Article 3, Chapter 4, Title 34, Code of Alabama 1940, Civil Proceeding to Compel Support instituted by virtue of Article 4, Chapter 4, Title 34, Code of Alabama (1940) which are recognizable before the Circuit Court of Alabama or a County Court, the Juvenile Court of Henry County or of Justices of the Peace and all courts of like jurisdiction in

Henry County. In exercising jurisdiction of Juvenile Court cases the provisions of Chapter 7, Title 13, Code of Alabama 1940 and amendments thereto shall apply. It shall have authority to punish contempts by fine not exceeding fifty dollars (\$50.00) and imprisonments not exceeding five days in the county jail. It may adopt and enforce rules and regulations relative to pleading procedure and practice, provided such rules and regulations are not contrary to the Constitution and statutes of the State and law made rules governing the practice and procedure of courts of record.

(b) The Inferior Court of Henry County shall have jurisdiction of civil actions at law in which the matter or sum in controversy does not exceed One Thousand (\$1,000.00) Dollars, if no trial by jury is demanded by any party to the suit; and if a jury trial is demanded by any party to such suit, and the matter in controversy exceeds \$100.00, the case shall be transferred to the Circuit Court of Henry County for jury trial and no further proceedings in the suit shall be taken and had in the Inferior Court of Henry County.

(c) The court shall have and exercise preliminary jurisdiction in felony cases, but the court shall not have jurisdiction to try persons charged with felonies or actions of ejectment or of any matter or proceeding cognizable in equity; provided that nothing herein shall be construed to limit or restrict the court in the exercise of the jurisdiction of the Juvenile Court.

(d) No criminal prosecution shall be commenced in such court except by warrant and upon sworn complaint issued by the Clerk or his deputy or a Magistrate or public official of Henry County, Alabama, authorized to issue warrants of arrest.

(e) The provisions of Chapter 7 of Title 13 of the Code of Alabama 1940 as the same may from time to time be amended, shall apply in all matters in which the court exercises jurisdiction of the Juvenile Court.

(f) The court shall not have jurisdiction of Workmen's Compensation cases, libel, or slander. When the action is in detinue in which the plaintiff seeks to recover on a chattel mortgage or a conditional sales contract, or other security agreement, the amount in controversy shall, for the purpose of determining jurisdiction, be the balance of the mortgage debt, financing statement, security agreement, conditional sale contract or purchase price, as the case may be or the value of the property in suit whichever may be less; and where the action is for entry or unlawful detainer, the amount in controversy shall, for the purpose of determining jurisdiction, be the amount of the damages claimed. The court shall have jurisdiction of proceedings for

discovery of assets of judgment debtors and shall exercise such jurisdiction in the same manner that is provided by law with respect to civil judgments in Circuit Court.

(g) The County Court of Henry County, and the Juvenile Court of Henry County, and all Justice of Peace Courts in Henry County are hereby abolished.

(h) In any civil action pending in the Inferior Court of Henry County, Alabama, if the defendant files a plea of set off or recoupment claiming an amount in excess of \$1,000.00 or otherwise asserting a cause of action not within the jurisdiction of the court, the Judge shall enter an order transferring the case to the Circuit Court of Henry County, Alabama, where the same shall proceed as if originally commenced therein.

(i) Appeals may be taken from final judgments or final orders of the court by any aggrieved party as follows:

1 - If the case is a civil case in law division of the court, the appeal lies to the Circuit Court and shall be governed by Article 6, of Chapter 8, Title 13, of the Code of Alabama, 1940, as amended.

2 - An appeal from judgments or orders made by the court in the exercises of jurisdiction of the Juvenile Court lies to the Circuit Court of Henry County, Alabama, and shall be governed by the provisions of Section 362, 371, and 372 of Title 13, and Section 95, 96, and 97 of Title 34, Code of Alabama.

3 - In every criminal case, the appeal lies to the Circuit Court and shall be governed by Section 90 of Title 13, of the 1940 Code of Alabama.

Section 5. The Inferior Court shall not draw, organize, or empanel grand or petit juries. The Judge shall decide all issues of fact without the intervention of a jury.

Section 6. The practice and procedure of the court as to parties, trial, competence of witnesses, admissibility of evidence, regulation of suits and the time within which suits may be brought shall be governed by the statutes and rules of practice and procedure governing the Circuit courts.

(a) Interrogatories to adverse parties, as provided for by Article 8, Chapter 10, Title 7, Code of Alabama (1940), may be used, except that answers must be filed to such interrogatories within thirty (30) days after service of the interrogatories. If answers to the interrogatories are not filed within thirty days after service of a copy of the interrogatories, or when the answers are not full, or are evasive, the court may either attach the party and cause him to answer fully in open court, or tax

him with so much costs as may be just, and continue the cause until full answers are made, or render such judgment or decree as would be appropriate if such defaulting party offered no evidence, or direct a non-suit or judgment by default.

(b) In civil actions at law when the summons, writ of attachment, summons and complaint in attachment, or other process has been executed on the defendant, or service perfected on him as required by law, the defendant shall appear and plead, answer or demur thereto within twenty (20) days after such service. If a defendant fails to plead, answer or demur within the prescribed time after service has been perfected on him, he shall be in default and on motion of the plaintiff judgment by default may be rendered against such defendant.

Section 7. (a) No prosecution shall be commenced in such court except upon sworn complaint made to either the judge or the clerk of the court, or the deputy clerk of the court, or the District Attorney or an Assistance District Attorney for Henry County, who shall issue a warrant of arrest if he is reasonably satisfied that the offense has been committed and that there is reasonable cause to believe that the accused is guilty. When the accused is arrested, the cause shall be docketed for trial, and the trial shall be held and conducted as trials after indictments. The clerk shall keep a record of all complaints made and all warrants issued. If the original complaint or warrant is lost, mislaid, or destroyed, a certified copy of the record shall be sufficient for arraignment and trial of the accused.

(b) An Assistant District Attorney for Henry County shall prosecute for the State all criminal and quasi criminal cases commenced in such court.

Section 8. (a) The Inferior Court of Henry County, Alabama, shall be open at all times for the transaction of business. Sessions of said Inferior Court of Henry County, Alabama, shall be held at the County Courthouse on the first Monday of each month for the trial of criminal cases and shall be continued so long as may be necessary for the court to complete its business.

(b) Sessions of the Inferior Court of Henry County, Alabama, shall be held on the third Monday of each month for the trial of civil actions and juvenile cases, and shall be continued so long as may be necessary for the court to complete its business.

(c) The Sheriff shall, without additional compensation, attend the sessions of the court in person or by deputy. He shall execute all writs and processes of the court, and perform such other duties as he may be required to perform in the Circuit Court.

(d) The Judge shall appoint a baliff when he deems one necessary and the baliff shall be compensated at the same rate as a Circuit Court baliff.

(e) The Judge shall have the same power and right to appoint an attorney to represent indigent defendants as Judges of Circuit Courts.

Section 9. (a) For their attendance upon the sessions of the court, witnesses shall be entitled to the fees and allowances prescribed by law for witnesses in the Circuit Courts, which fees and allowances shall be taxed, collected and paid in the same manner and according to the same regulations as apply in the Circuit Courts.

(b) In addition to the fees for witnesses, the court shall have authority to tax costs, except trial tax as provided for in Title 51, Section 20, Code of Alabama 1940 (Recompiled 1958), as amended, for the uses of the court and officers thereof as follows: (1) in every civil action at law, the same as in the Circuit Court; (2) in every criminal case, the same as in the County Courts; (3) for issuance of peace warrants in addition to other costs and commissions provided by law the sum of twenty-five dollars (\$25.00) shall be paid into the general fund of the county; (4) the court shall tax other costs and commissions as prescribed by law (both general and local acts).

(c) A trial tax of two dollars (\$2.00) shall be collected for the use of the county in each civil action at law, if the sum in controversy does exceed one hundred dollars (\$100.00). In every other civil action at law, and in every criminal case, a trial tax of five dollars (\$5.00) shall be collected for the use of the county.

(d) No costs shall be taxed in juvenile cases.

(e) In addition to the fines and forfeitures now provided by law to be paid into the general fund of Henry County, Alabama, one-half (50%) of all other fines and forfeitures, including cases of violation of the Rules of the Road, driving while intoxicated, reckless driving, highway drunkenness, and exceeding the lawful speed limit, collected in this court are to be paid into the general fund of Henry County, Alabama.

(f) (1) The Clerk of the Inferior Court shall require the parties instituting any civil action, suit or proceeding in such court, whether it be original process or otherwise, to pay a filing fee of fifteen dollars (\$15.00), except that on application for a writ of habeas corpus the filing fee shall be five dollars (\$5.00), this fee shall be refunded to the party instituting the action, suit or proceeding, upon the payment of the court costs incurred in the proceeding.

(2) The Inferior Court by rule or standing order may require advanced payment of costs and fees.

(g) (1) The court may authorize the commencement, prosecution or defense of any suit action or proceeding, civil or criminal without prepayment of fees and costs or security therefor by a person who makes affidavit that he is unable to pay such costs or give security therefor. Such affidavit shall state the nature of the action or defense, and affiant's belief that he is entitled to redress.

(2) The court may dismiss the case if the allegations of poverty are untrue, or if satisfied that the action is frivolous or malicious.

(3) Judgment may be rendered for costs at the conclusion of the suit or action, as in other cases.

Section 10. The party in whose favor a judgment is rendered shall have all the right, remedies and privileges with respect to the registration and enforcement thereof as are provided in Chapter 11, Title 7, Code of Alabama (1940), as amended, except that if the judgment of the court is for fifty dollars (\$50.00) or less the party in whose favor the judgment is rendered shall have a period of only three years in which to have a writ of fieri facias or execution levied against the property of the defendant, and the lien of such judgment registered under the provisions hereof shall continue for a period of three years from date of such judgment in the manner set out in Section 588 of said Title 7; and if the judgment is for more than fifty dollars (\$50.00), the lien in such judgment shall continue for a period of ten years from the date of such judgment in the manner set out in Section 585 of said Title 7, of the Code of Alabama 1940 (Recompiled 1958), as amended.

(1) The discovery of assets of judgment debtors as provided by Article 2, Chapter 21, Title 7, Code of Alabama, (1940) may be had in this court as may be had in Circuit Courts.

Section 11. Any party aggrieved by a judgment, order or ruling of the court may appeal the decision as herein provided.

(1) If the case is a civil case in the law division of the court, the appeal lies to the Circuit Court and shall be governed by Article 6, of Chapter 8, Title 13, of the 1940 Code of Alabama.

(2) If the case arises under the court's jurisdiction with respect to juveniles, the appeal lies to the Circuit Court and shall be governed by Section 371 and 372 of Title 13 of the 1940 Code of Alabama.

(3) In every criminal case, the appeal lies to the Circuit

Court and shall be governed by Section 349 of Title 13 of the 1940 Code of Alabama (Recompiled 1958).

Section 12. (a) A Judge of the court herein established shall be elected by the qualified electors of the county at the general election of 1976 and every six years thereafter. His term shall be for six years from the first Monday after the second Tuesday in January next succeeding his election, and until his successor is elected and qualified.

(b) Immediately after the effective date of this Act the Governor shall appoint a Judge of the Inferior Court of Henry County, Alabama, and the person so appointed shall hold office until his successor is elected as provided herein.

(c) The Judge shall, before entering upon the discharge of the duties of office, take the oath prescribed by Section 279 of the Constitution. He may be removed from office for any cause enumerated in Section 173 of the Constitution and in the manner provided by law. No person shall be eligible for the office of Judge unless he is, at the time of his appointment or election, a qualified elector of Henry County. If the Judge is otherwise licensed to practice law, he may so practice in Henry County, Alabama, and shall otherwise be subject to the same penalties and obligations as Circuit Judges, while in his official capacity as Judge. Any vacancy occurring in the office of Judge shall be filled by appointment as provided in Section 158 of the Constitution of the State of Alabama.

(d) The Judge shall receive a monthly salary to be fixed by the Court of Commissioners of Henry County but not to exceed \$600.00 per month payable out of the General Fund of the County in equal monthly installments as the salaries of other county officers are paid.

(e) The Judge may employ a secretary to assist him in the discharge of his duties as Judge. The Secretary shall receive a monthly salary to be fixed by the Court of Commissioners of Henry County but not to exceed \$200.00 per month payable out of the General Fund of the county in equal monthly installments as the salaries of other county officers are paid.

(f) The Judge shall have authority to: (1) grant writs of certiorari, supesedeas, quo warranto, and all other remedial and original writs which are granted by the Circuit Judge in courts of law; (2) administer oaths and take acknowledgments; (3) issue search warrants; (4) exercise such other powers, jurisdiction or authority as may now or hereafter be conferred by law upon Circuit Judges in courts of law, Judges of Juvenile and County Courts, and Justices of the Peace. Provided, however,

the Judge shall not have or exercise the powers, jurisdiction, or authority of equity courts.

(g) The Judge shall keep an office in the County Courthouse, or such other place as may be provided by the governing body of the county. His office shall be suitably equipped, furnished and provided at the expense of the county with such office supplies and stationery, stamps, furniture, fixtures and other materials as may be necessary for the transaction of the business of the court.

(h) In the event the Judge is disqualified or unable to act, a special Judge shall be appointed as provided in Section 160 of the Constitution and Section 124 of Title 13 of the 1940 Code. Such special Judge shall be paid out of the General Funds of the county the sum of \$50.00 for each day he is called upon to serve during a regular session held pursuant to orders of the court duly spread upon the minutes of the court.

Section 13. (a) The Circuit Clerk of Henry County shall be the Clerk of the court herein established and the Clerk of the juvenile division of said court. Each deputy Clerk of the Circuit Court of Henry County shall be a deputy Clerk of the Inferior Court of Henry County. The Clerk shall have the authority to purchase at county expense such records, stationery, office supplies, and equipment as may be necessary to conduct the court's business. He shall keep the seal which shall be the official seal adopted by the court.

(b) It shall be the duty of the Clerk and the Clerk of the juvenile division respectively to keep all the records, files, and dockets of the court in an orderly manner and to perform all other duties required by the Judge.

(c) The Clerk of the Inferior Court and the Clerk of the juvenile division thereof respectively, shall have the power and authority: (1) to administer oaths and take acknowledgments and affidavits; (2) to sign and issue all processes issuing out of the court, including warrants, affidavits, summonses, subpoenas, writs, execution, commitments, and releases; (3) to approve bonds in civil and criminal cases; (4) to enter all judgments, orders, and decrees of the court; (5) to certify all appeals and transcripts; (6) to exercise all powers and authority which are now or may be hereafter conferred on Clerk of the Circuit Courts.

Section 14. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 15. This Act shall take effect after its enactment by the Legislature and approval by the Governor of Alabama, at

such time as determined by the Commissioners Court of Henry County, Alabama.

Approved August 23, 1973.

Time: 3:05 P.M.

Act No. 490 H. 1723—Grainger, Lutz, King, Hearn, Hale,
Carter, Cross, Williams

AN ACT

Relating to taxation; to amend Title 51, Section 2(1) (m) of Alabama Code of 1940, as heretofore amended, so as to exempt from ad valorem taxation tobacco leaf stored in hogsheads.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2(1) (m) of Title 51, Code of Alabama of 1940, is hereby amended to read as follows:

“§2. PERSONS AND PROPERTY.—The following property and persons shall be exempt from ad valorem taxation and none other:

(a) All bonds of the United States and this state, and all county and municipal bonds issued by counties and municipalities in this state, all property, real and personal, of the United States and this state, and of county and municipal corporations in this state; all cemeteries; all property, real and personal, used exclusively for religious worship, for schools or for purposes purely charitable; provided, however, property, real or personal, owned by any educational, religious or charitable institutions, society or corporation, let for rent or hire or for use for business purposes, shall not be exempt from taxation, notwithstanding the income from such property shall be used exclusively for education, religious or charitable purposes; all mortgages, together with the notes, debts, and credits secured thereby on real and personal property situated in this state, which mortgages have been filed for record and the privilege tax paid thereon; all security agreements and security interests under the Uniform Commercial Code, together with the notes, debts, and credits secured thereby; all money on deposit in any bank or banking institution and all other solvent credits; all warrants issued by county boards of education and city boards of education for the purpose of erecting, repairing, furnishing school buildings or for other school purposes, are exempt from taxation.

(b) - (1) All property, real or personal used exclusively

for hospital purposes, to the amount of seventy-five thousand dollars where such hospitals maintain wards for charity patients, or give treatment to such patients, provided that the treatment of charity patients constitutes at least fifteen percent of the business of such hospitals, provided further that such hospital need not be assessed for taxation of the owner or manager shall file with the county tax assessor wherein such hospital is located within the time allowed for assessing such property for taxation a certificate that such hospital has done fifteen percent charity work in the preceding tax year; and further provided that such hospital through its owner or manager shall have until the expiration of the preceding tax year to class its work and ascertain whether or not such hospital has done fifteen percent of its treatment of patients as charity work.

(b) - (2) The shares of the capital stock of any corporation owning and operating a hospital, to the extent of seventy-five thousand dollars in value, are exempt from taxation provided that said corporation maintains wards for charity patients and gives treatment to such patients, which treatment constitutes at least fifteen percent of the business of the hospital of said corporation, provided that the total exemption granted to any such corporation shall not exceed seventy-five thousand dollars taking into consideration its real and personal property and the value of its shares of capital stock.

(c) All property owned by the American Legion or by Veterans of Foreign Wars, or any post thereof; provided that such property is used and occupied exclusively by said organization.

(d) All the property of literary and scientific institutions and literary societies, when employed or used in the regular business of such institution.

(e) The libraries of ministers of the gospel, and all libraries other than those of a professional character and all religious books kept for sale by ministers of the gospel and colporteurs.

(f) The property of deaf mutes and insane persons to the extent of three thousand dollars, and the property of blind persons to the extent of twelve thousand dollars.

(g) All family portraits.

(h) All cotton, livestock or agricultural products which have been raised or grown in the state of Alabama, and which shall remain in the hands of the producer thereof, or his landlord, or in the hands of a cooperative association for all time,

and for a period of one year in the hands of the purchaser or the manufacturer.

(i) All cotton, wherever grown, stored in licensed warehouses in the state of Alabama for a period not exceeding twelve months.

(j) Provisions and supplies on hand for the current year for the use of the family and the making of crops; all wearing apparel; farming tools to the value of five hundred dollars; tools and implements of mechanics to the value of two hundred dollars; all livestock, including mules, horses, cows, calves, hogs, sheep and goats, and the following property to be selected by the head of each family, namely, household and kitchen furniture not to exceed five hundred dollars and one sewing machine.

(k) No license or taxation of any character, except franchise taxes provided by section 229, of the Constitution of the State of Alabama, shall be collected or required to be paid to the state, or any county or municipality therein, by any state or county fair agricultural association, stock, kennel or poultry show, athletic stadiums owned and controlled by universities, schools or colleges and which are used exclusively for the purpose of promoting inter-collegiate or inter-school athletics. Provided that the revenue received from athletic stadiums, when admission is charged shall be used for the benefit of athletic associations of such universities, colleges or schools. Nothing contained in this subsection shall be construed to prohibit any municipality, county or state, from imposing any license tax upon or for the privilege of engaging in the business of supplying services for hire or reward, or selling commodities other than livestock, farm products or farm implements, or conducting or operating devices or games of skill or amusements or other games or devices, or conducting or operating shows, displays or exhibits other than shows, displays, or exhibits of agricultural implements, farm products, livestock and athletic prowess.

(l) All raw material, including coke, produced during the current calendar year when stocked at any plant or furnace, for manufacturing purposes in Alabama.

(m) All manufactured articles including pig iron, in the hands of the producer or manufacturer thereof, when stored at or near the place of manufacture or within the county where same was manufactured or produced, shall be exempt from taxation for twelve months after its production or manufacture.

(n) All property both real and personal owned by any

unit or organization of the Alabama national guard officially recognized as such by the federal government and organized and maintained by the state, and all property owned by shares and used exclusively by and kept exclusively in the possession of any such unit or organization of the Alabama national guard, the annual rent or hire of which is not in excess of the annual state, county and municipal taxes on said property shall be exempt from taxation by the state, and the county and municipality in which the same may be situated.

(o) All poultry.

(p) The property of all incompetent veterans to the value of three thousand dollars shall be exempt from ad valorem taxation.

(q) The following items of personal property when owned by individuals for personal use in the home or usually kept at the home of the owner and not carried as stocks of merchandise; namely, libraries, phonographs, pianos, and other musical instruments; paintings; precious stones, jewelry, plate silverware, ornaments, and articles of taste; watches and clocks; wagons, buggies, bicycles, guns, pistols, canes, golf sticks, golf bags, and sporting goods; money hoarded; radios; mechanical and electrical refrigerators.

(r) All property owned by the Benevolent and Protective Order of Elks, Fraternal Order of Police, Fraternal Order of Eagles, or lodge thereof, provided such property is used and occupied exclusively by such organization.

(s) All devices, identifiable parts of devices, systems, or facilities constructed, used or placed in operation primarily for the protection of the public and the public interest through the control, reduction or elimination of air or water pollution.

(t) Tobacco leaf stored in hogsheads.

Section 2. All laws or parts of laws in conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 23, 1973.

Time: 3:55 P.M.

To propose and provide for the submission of an amendment to the Constitution of Alabama, to empower and authorize each municipality in Cleburne County to acquire and dispose of all kinds of property, to promote the development of the municipalities in Cleburne County and the location of new industries or businesses therein, to become a stockholder in any corporation, association or company, to lend its credit or grant public money and things of value in aid of individuals, firms, associations and corporations, to become indebted and issue and sell securities, to levy and collect a special ad valorem tax and to pledge to the payment of its securities the proceeds of such special tax and other incomes, to create a public corporation or authority and to delegate to such public corporation or authority all powers or authorities granted by such proposed amendment to such municipalities.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the constitution of Alabama is hereby proposed:

"Any provision of the Constitution or laws of the State of Alabama to the contrary notwithstanding, any municipality in Cleburne County, or any one or more of them, shall have full and continuing power and authority, without any election or approval other than the approval of its governing body, to do any one or more of the following:

"1. To purchase, construct, lease, or otherwise acquire real property, plants, buildings, factories, works, facilities, machinery and equipment of any kind.

"2. To lease, sell for cash or on credit, exchange, or give and convey any such property described in subdivision 1 above, to any person, firm, association or corporation.

"3. To promote local industrial, commercial or agricultural development and the location of new industries or businesses therein.

"4. To become a stockholder in any corporation, association or company.

"5. To lend its credit or to grant public moneys and things of value in aid of, or to, any individual, firm, association, or corporation whatsoever.

"6. To become indebted and to issue and sell interest bearing bonds, warrants (which may be payable from funds to be realized in future years), notes or other obligations or evidences of indebtedness, to a principal amount not exceeding fifty percent of the assessed value of taxable property therein as determined for state taxation, in order to secure funds for the purchase, construction, lease or acquisition of any of the property described in subdivision 1 above or to be used in furtherance of any of the other powers or authorities granted in this amendment. Such obligations or evidences of indebtedness may (in addition to any pledge or pledges authorized by subdivision 8 of this amendment)

be issued upon the full faith and credit of the municipality or may be limited as to the source of their payment.

"7. To levy and collect annually, in addition to all other taxes now authorized or permitted, a special tax or taxes of not exceeding two percent on the value of all taxable property therein as determined for state taxation, in the same manner as other county or municipal taxes are levied and collected. Such tax may be upon all property in any municipality in Cleburne County or upon all property in any district the boundaries of which the governing body of such municipality shall describe and which it shall determine to be specially improved and benefited by any proposed use or expenditure of the proceeds of such tax.

"8. To pledge to the payment of any bonds, warrants, notes or other obligations or evidences of indebtedness the annual proceeds from any such special tax or taxes and to obligate itself irrevocably to continue to levy and collect such taxes annually until such obligations or evidences of indebtedness are paid in full and to pledge thereto any rental or sales proceeds of property leased or sold by it.

"9. To create a public authority or corporation having such powers, managed and governed by such board or governing body and subject to such limitations as the governing body of any municipality in Cleburne County may impose, by approving and filing a certificate to that effect in the office of the Judge of Probate or the Secretary of State, or their respective successors in function, and to delegate to such public authority or corporation and its board or governing body all powers and authority conferred in this amendment upon any such municipality.

"The recital in any bonds, warrants, notes or other obligations or evidences of indebtedness that they were issued pursuant to this amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein authorized or that any special tax herein authorized has been pledged to the payment thereof shall be conclusive; no purchaser or holder thereof need inquire further; and the levy and collection of such tax shall continue until the principal of and interest on such obligations or evidences of indebtedness shall have been paid in full. The bonds, warrants, notes or other obligations or evidences of indebtedness issued hereunder shall not be considered an indebtedness of any municipality in Cleburne County for the purpose of determining the borrowing capacity of such municipality under Sections 224 and 225 of the Constitution; and the taxes herein authorized shall be in addition to those provided for or permitted in Section 215 and 216 of the Constitution and all amendments thereto.

"This amendment shall be self-executing; but the Legislature shall have the right and power by general, special or local

act to adopt laws supplemental to this amendment or in furtherance of the purposes and objectives herein above set forth."

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama (1940). At the said election the qualified electors shall vote on said proposed amendment, and on the official ballot provided for such election there shall be printed the following: 'Shall the following be adopted as an amendment to the Constitution of Alabama?', after which there shall be set forth verbatim the amendment proposed in Section 1 of this Act, after which there shall be printed the word 'Yes' and immediately under the word there shall be printed the word 'No'. Space shall be provided on each ballot for the elector to indicate his choice by a cross mark opposite the word expressing his desire.

Section 3. Notice of the election on the proposed amendment shall be given by proclamation of the Governor published in a newspaper in each county in the state once a week for four successive weeks next preceding the day herein appointed for the election, and in any county in which there may be no newspaper published the notice shall be posted at each court house therein. The expenses of the election shall be paid out of the State Treasury. There is hereby appropriated out of the General Fund of the State such sum as may be necessary to defray the expenses of the election.

Constitutional Amendment.

Passed the House August 9, 1973.

Passed the Senate August 21, 1973.

Act No. 492

S. 667—Pierce, Jones

AN ACT

To amend the Title and Sections 2 and 4 of Act No. 979 adopted at the 1969 Regular Session of the Legislature of Alabama, pertaining to off-street automobile parking facilities in cities having a population of not less than 100,000 nor more than 200,000 according to the last or any succeeding federal census, which sections relate to the powers of such cities pertaining to such facilities and revenue bonds issued to finance the same, so as to clarify and grant powers regarding the issuance and sale of such bonds, the details pertaining thereto, and the sale of such facilities, and to ratify previous action.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 979 adopted at the 1969 Regular Session of the Legislature of Alabama (herein called "the Parking Facilities Act") is hereby amended to read as follows:

"Relating to cities having a population of not less than 100,000 nor more than 200,000 according to the last or any succeeding federal census; providing for the planning, design, location, financing by the issuance of revenue bonds, acquisition of property for, construction, alteration, enlargement, use, maintenance, operation, leasing to others, sale and fostering by such cities of off-street automobile parking facilities in such cities; to provide for the details pertaining to the provisions, sale, and source of payment of and security for such bonds; to exempt from taxation such bonds and the income therefrom, all mortgages executed as security therefor and all lease agreements made hereunder; and to provide that such bonds shall be legal investments for banks and insurance companies organized under the laws of this State."

Section 2. Section 2 of the Parking Facilities Act is hereby amended to read as follows:

"Section 2. Each city within the State of Alabama having a population of not less than 100,000 nor more than 200,000, according to the last or any succeeding federal census, is hereby authorized and empowered to acquire, receive, take and hold, whether by purchase, gift, lease, devise or otherwise, property of every description, whether real, personal or mixed, and to manage said property and to develop any undeveloped property owned, leased or controlled by such city for the purposes herein-after set out; to execute such contracts and other instruments and to take such other action as may be necessary and convenient to carry out the provisions hereof, or to exercise the power granted hereunder; to plan, establish, acquire, construct, enlarge, improve, maintain, and equip parking facilities; to lease or let such facilities or any one or more of them to such tenant or tenants for such term, or terms, at such compensation or rental as the council or other governing body may from time to time direct; to issue interest bearing revenue bonds payable from the limited sources hereinafter referred to; to pledge for payment of such bonds any revenues or funds from which such bonds are made payable; to make and enter into contracts, leases and agreements incidental to or necessary for the accomplishment of any purpose or purposes authorized herein; to sell, exchange and convey and to grant options to acquire, on such terms as may be determined by the council or other governing body, any or all of such facilities whenever the council or other

governing body shall deem such action to be in furtherance of any purpose or purposes authorized herein; to make and enforce rules and regulations governing the use of any parking facilities owned or controlled by said city; to cooperate with the State, any county, city, town, public corporation, agency, department or political subdivision of the State, and to make such contracts with them or any of them as the council or other governing body may deem advisable to accomplish the purpose or purposes hereof; to receive and accept grants for or in aid of the construction, extension, improvement, maintenance or operation of any parking facility from the United States of America or any agency thereof, from the State of Alabama, any department or agency thereof and any political subdivision thereof and to receive and accept money, property, labor or other things of value from any source whatsoever; and to do any and all things necessary or convenient for the exercise of any power herein granted."

Section 3. Section 4 of the Parking Facilities Act is hereby amended to read as follows:

"Section 4. The principal of and interest on any bonds issued hereunder shall be secured by a pledge of and shall be payable solely from revenues and receipts derived from the leasing, sale or operation (to the extent permitted herein) of the facilities constructed, in whole or in part, with the proceeds from the sale of said bonds, and may be secured by a mortgage covering all or part of any project or projects from which the revenues or receipts so pledged may be derived, and may be secured by a pledge of the lease of such project. All such bonds and the interest coupons applicable thereto shall never constitute an indebtedness of the city within the meaning of any state constitutional provision or statutory limitation and shall never constitute nor give rise to a pecuniary liability of the city or a charge against its general credit or taxing powers, and such fact shall be plainly stated on the face of each such bond. Such bonds may be executed and delivered at any time and from time to time, may be in such form and denominations, may be of such tenor, may be in registered or bearer form either as to principal or interest or both, may be payable in such installments, at such place or places within or without the State of Alabama, and at such time or times not exceeding thirty years from their date, may bear interest at such rate or rates payable at such place or places and evidenced in such manner, may be redeemable at the option of the city at such price or prices, after such notice or notices and on such terms and conditions, and may contain such provisions not inconsistent herewith, all as shall be provided in the proceedings of the council or other governing body whereunder the bonds shall be authorized to be issued.

Any such bonds may be sold, at public or private sale in such manner and from time to time as may be determined by the council or other governing body to be most advantageous, and the city may pay all expenses, premiums and commissions which the council or other governing body may deem necessary or advantageous in connection with the authorization, sale and issuance thereof. The city, in issuing any bonds hereunder, is hereby exempted from the laws of the State of Alabama governing usury or prescribing or limiting interest rates, including, without limitation, the provisions of Chapter 6 of Title 9 of the Code of Alabama of 1940. All bonds issued hereunder and all interest coupons applicable thereto shall be construed to be negotiable instruments, despite the fact that they are payable solely from a specified source.

The proceedings under which such bonds are authorized to be issued or any such mortgage may contain any agreements and provisions customarily contained in instruments securing bonds, including, without limiting the generality of the foregoing, provisions respecting the fixing and collection of rents for any project covered by such proceedings or mortgage, the terms to be included in the lease or sale of such project, the maintenance and insurance of such project, the creation and maintenance of special funds from the revenues from such project, and the rights and remedies available in event of default to the bondholders or to the trustee under a mortgage, all as the council or other governing body shall deem advisable and as shall not be in conflict with the provisions hereof; provided, however, that in making any such agreements or provisions a city shall not have the power to obligate itself except with respect to the project and the application of the revenues and receipts therefrom and shall not have the power to incur a pecuniary liability or a charge upon its general credit or against its taxing powers. The proceedings authorizing any bonds hereunder and any mortgage securing such bonds may provide that in the event of default in payment of the principal of or the interest on such bonds or in the performance of any agreement contained in such proceedings or mortgage, such payment and performance may be enforced by mandamus or by the appointment of a receiver in equity with power to charge and collect rents and to apply the revenues and receipts from the project in accordance with such proceedings or the provisions of such mortgage. Any such mortgage may provide also that in the event of default in such payment or the violation of any agreement contained in the mortgage, the mortgage may be foreclosed either by sale or public outcry or by proceedings in equity, and may provide that any trustee under such mortgage or the holder of any of the bonds secured thereby may become the purchaser at any foreclosure sale if the highest

bidder therefor. No breach of any such agreement shall impose any pecuniary liability upon a municipality or any charge under its general credit or against its taxing powers."

Section 4. It is the intent of the Legislature in enacting this act to clarify the powers of cities under said Act No. 979 in the respects herein set forth. This act shall, therefore, be liberally construed as supplemental and cumulative to and in clarification of the powers of such cities thereunder and not in restriction of any such powers; and all actions heretofore taken under said Act No. 979 in conformity with the provisions thereof as amended hereby are hereby in all respects ratified, approved and confirmed.

Section 5. This act is hereby declared to be severable; and should any section, provision or clause hereof be held invalid or unenforceable, such holding shall not invalidate or render unenforceable the remaining sections, provisions or clauses hereof.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 23, 1973.

Time: 7:25 P.M.

Act No. 493

S. 584—Harris

AN ACT

Proposing an amendment to the Constitution of Alabama to authorize the consolidation of offices in Morgan County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, to become valid as a part of the Constitution, when approved by the qualified electors and proclaimed by the Governor as prescribed by law.

PROPOSED AMENDMENT

The Legislature may from time to time, by general or local law, provide for the transfer of the duties, or part of the duties, of one county officer of Morgan County to another officer of such county; or consolidate any two or more offices of such county into one county office and provide for the abolition of the office or offices left without duties, or create a completely new office in such county and transfer to such office a part of the duties of each of several other offices without abolishing any

office in such county; provided that the officer or officers to fill the offices involved will be compensated for the performance of the duties of their offices by a salary fixed according to law.

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the Senate August 2, 1973.

Passed the House August 23, 1973.

Act No. 494 H. 638—Jones (E), Dill, Doss, Waggoner,
Timmons, Adwell, Boles,
Falkenburg, Ellis

AN ACT

To fix the compensation or salary of the assistant Tax Collector or deputy Tax Collector of any branch office of the Tax Collector in counties having a population of 600,000 or more according to the last or any subsequent federal census, and provide for payment thereof.

Be It Enacted by the Legislature of Alabama:

SECTION 1: This act shall apply in all counties having a population of 600,000 or more, according to the last or any subsequent federal census.

SECTION II: That the assistant Tax Collector or deputy Tax Collector of counties having a population of 600,000 or more shall receive a salary of \$15,840.00 per annum, which salary shall be paid out of the County Treasury of said County in equal monthly installments.

SECTION III: That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

SECTION IV: This act shall become effective on October 1, 1973.

Approved August 27, 1973.

Time: 5:00 P.M.

Act No. 495 H. 785—Doss, Gafford, McMillan, Dill, Hughes,
Timmons, Falkenburg, Erdreich,
Boutwell, Boles, McNair, McBride,
Adwell, Ellis

AN ACT

TO AMEND SECTION 3.07 AND SECTION 3.05 OF ACT NO. 452, H. 974, REGULAR SESSION OF THE LEGISLATURE OF ALABAMA OF 1955, APPROVED SEPTEMBER 9, 1955 (ACTS OF 1955, PAGE 1004), AS AMENDED, PROVIDING A MAYOR-COUNCIL FORM OF GOVERNMENT FOR CITIES HAVING A POPULATION OF 300,000 INHABITANTS OR MORE ACCORDING TO THE LAST OR ANY SUBSEQUENT FEDERAL CENSUS.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 3.07 of Act No. 452, H. 974, Regular Session of the Legislature of Alabama of 1955, approved September 9, 1955 (Acts of 1955, page 1004), as amended, providing a Mayor-Council form of government for cities having a population of 300,000 inhabitants or more according to the last or any subsequent Federal Census, be and said Section 3.07 is hereby amended to read as follows:

“3.07. Powers. — All powers of the city, including all powers vested in it by this Act, by the laws, general and local, of the State, and by Title 62 of the Code of Alabama of 1940, as amended, and the determination of all matters of policy, shall be vested in the council. Without limitation of the foregoing, the council shall have power to:

(a) Establish administrative departments and distribute the work of divisions.

(b) Adopt the budget of the city.

(c) Authorize the issuance of bonds or warrants.

(d) Inquire into the conduct of any office, department or agency of the city and make investigations as to municipal affairs.

(e) Appoint the members of all boards, commissions or other bodies authorized hereunder or by law. This provision

for appointment of members of boards, commissions or other bodies authorized hereunder or by law shall supersede any different provision for appointment of such members contained in any statute or ordinance in effect at the time of adoption by the city of the Mayor-Council form of government set up by this Act, and shall include power to remove any member of any board, commission or body to the same extent as might be done by the governing body of the city at the time of adoption by the city of the mayor-council form of government set up by this act and to appoint another in his stead. And wherever in any statute in effect at the time of adoption by the city of said mayor-council form of government the chief executive officer of the city is designated to act in any capacity ex-officio, the mayor shall act.

(f) Succeed to all the powers, rights and privileges conferred upon the former governing body of the city by statutes in effect at the time of adoption by the city of the mayor-council form of government and not in conflict with this Act.

(g) Levy property and license taxes and local improvement assessments.

(h) Employ for and on behalf of said city not in excess of five employees to assist the council and perform such duties relating to the work of the council as the president of the council may assign. Each such employee shall serve at the pleasure of the council at such compensation as the council may set, and shall not be under any merit or civil service system. Each such employee shall by reason of such employment become a member of the pension system covering the general employees of such city, if there be such a system to the same extent and in the same manner as other general employees of the City.

Section 2. That Section 3.05 of Act No. 452, H. 974, Regular Session of the Legislature of Alabama of 1955, approved September 9, 1955 (Acts of 1955, page 1004), as amended, providing a Mayor-Council form of government for cities having a population of 300,000 inhabitants or more according to the last or any subsequent Federal Census, be and said Section 3.05 is hereby amended to read as follows:

Section 3.05. Compensation. The Council shall receive such salary which shall be effective on such date as the Council may by resolution or ordinance prescribe; provided, however, no Councilman, other than the President of the Council, shall receive a salary in excess of Sixty-Nine Hundred Dollars (\$6,900) per annum. The Council may provide by ordinance or resolution for the Office of the President of the Council compensation in addition to the compensation such President

will be entitled to receive as a councilman, which additional compensation shall not exceed the additional amount of Twenty-Four Hundred Dollars (\$2,400) per annum, making the total maximum compensation which a member of the Council may receive while serving as President thereof Ninety-Three Hundred Dollars (\$9,300) per annum. Such salary shall be payable in monthly installments at the end of each month: said installments to be paid at the same rate for any portion of the month during which each such councilman shall hold office at the rate provided.

Section 3. This Act shall become effective upon its approval by the Governor or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:00 P.M.

Act No. 496 H. 787—Boles, Hughes, McBride, Doss, Boutwell, Gafford, McMillan, Falkenburg, McNair, Wallace, Dill, Timmons

AN ACT

To provide for the compensation to be paid the First Assistant Deputy District Attorney and the Second Assistant Deputy District Attorney in counties having a population of six hundred thousand or more, according to the last or any succeeding decennial federal census where the Deputy District Attorney is elected by the people and to provide for the payment of the same and to provide the date when said Act shall go into effect.

Be It Enacted by the Legislature of Alabama:

SECTION 1. In each county of the State of Alabama, having a population of six hundred thousand or more according to the last or any succeeding decennial federal census, where the Deputy District Attorney is elected by the people, there shall be paid to the First Assistant Deputy District Attorney of each said county from the general treasury of the county in equal bi-monthly installments such an annual salary as that when added to the annual salary payable by the State of Alabama to the First Assistant Deputy District Attorney, the same will make the total annual salary of the First Assistant Deputy District Attorney Sixteen Thousand Four Hundred (\$16,400.00).

SECTION 2. In each county of the State of Alabama, having a population of six hundred thousand or more according to the last or any succeeding decennial federal census, where the Deputy District Attorney is elected by the people,

there shall be paid to the Second Assistant Deputy District Attorney of each said county from the general treasury of the county in equal bi-monthly installments such an annual salary as that when added to the annual salary payable by the State of Alabama to the Second Assistant Deputy District Attorney, the same will make the total annual salary of the Second Assistant Deputy District Attorney thirteen thousand three hundred dollars (\$13,300.00)

SECTION 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not effect the part which remains.

SECTION 4. All laws or parts of laws which conflict with this Act are repealed.

SECTION 5. This Act shall become effective October 1, 1973.

Approved August 27, 1973.

Time: 5:00 P.M.

Act No. 497 H. 819—Doss, Wallace, Falkenburg, Ellis, Bowers, McNair, Weeks, Boutwell, Dill, Waggoner, Gafford, McMillan, Boles, Hughes, Jones (E), Timmons, Meeks

AN ACT

To amend Act No. 547 of the Regular Session of the Legislature of Alabama of 1965, approved August 20, 1965, (Ala. Acts 1965, Page 797 et seq.); to name and define officers of the Birmingham-Jefferson County Civic Center Authority, and authorize the hiring of architects.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 5 of Act No. 547 of the Regular Session of the Legislature of Alabama of 1965, approved August 20, 1965, (Ala. Acts 1965, page 797, et seq.), is hereby amended so as to read as follows:

“Section 5. The power of the said Authority shall be vested in and exercised by a majority of the members of the Board of Directors. The said Board may delegate to one or more of its members or its officers, agents and employees such duties as it may deem proper. The Board of Directors shall elect a vice chairman of said Board, who shall serve as chairman in the event of the chairman’s absence. The said Board of Directors shall also elect a treasurer and a secretary. The same person may serve as secretary and treasurer. The secretary and treasurer may or may not be a member of the

Board. The treasurer shall act as custodian of all the funds, from whatever sources derived, received by the Authority. The treasurer shall deposit said monies in a separate account or accounts in one or more bank or banks or trust companies which are duly qualified and doing business in the State of Alabama; provided, however, that the Authority may by resolution or by trust indenture securing the issuance of bonds then authorized designate a fiscal agent or trustee who shall be a bank or trust company duly qualified to do business in the State of Alabama and may authorize such fiscal agent or trustee to receive and disburse, upon such terms and conditions (and subject to such exceptions, if any) as may be specified in such resolution or trust indenture, all funds applicable to payment of said bonds.

"The treasurer of the Authority shall execute a fidelity bond with a company authorized to write such bonds in the State of Alabama being surety thereon, which bond shall be in an amount approved by the Board of Directors of the Authority.

"Contracts of the Authority shall be executed in the name of the Authority by the Chairman of the Board of Directors and attested by the secretary of the Authority. Except for bonds, it is not required that the seal be impressed or printed on contracts. It is further provided hereby that except for bonds, the Board of Directors may provide by resolution for a different form for the execution of contracts, and for the execution thereof by an officer or agent other than the chairman and secretary. But in no event shall a contract, irrespective of its form and of the persons executing the same, be binding unless such contract was authorized or ratified by the Board of Directors.

"The Authority shall have authority to hire an architect or architects and enter into contracts for their services in designing and supervising the construction of any building, civic center, auditorium, arena, convention hall, music hall, art museum, places of recreation, art exhibits, office buildings and other structures that it shall desire to construct."

"No member of the Board of Directors shall be interested, directly or indirectly, in any contract for work, material or services, or the profits therefrom to be furnished or performed for the Authority if such member has, directly or indirectly more than a ten percent (10%) interest in any business, firm or corporation, or profits thereof, furnishing or providing such work materials or services."

Section 2. That Section 4 of Act No. 547 Regular Session 1965 be amended to read as follows:

"Section 4. There is hereby established in the County a public corporation for the purposes hereinafter specified, which corporation shall be vested with the powers conferred upon it by this act. The said public corporation is at times hereinafter referred to as "the Authority."

Subject to the conditions and qualifications hereinafter stated, the name of the said corporation shall be "Civic Center Authority of the Cities and County of _____ County" (In the blank space will be inserted the name of the County). The Board of Directors of the Authority may choose some name other than that above specified at any time it elects to do so; provide, however, that if the Board of Directors chooses any other name there shall be filed for record in the office of the Probate Judge of the County a copy of the resolution of the Board of Directors stating the name adopted by the Authority, which resolution shall be followed by a certificate signed by the Chairman of the Board of Directors stating the date on which the resolution was adopted and stating that the copy of the resolution preceding said certificate is a true and correct copy of the resolution adopted by the Board of Directors. The term "Legislative Electoral College," as used in this Section, shall mean that group of legislators who shall elect the elective members of the Board of Directors of the Authority, which group of legislators shall consist of the following: Each member of the House of Representatives of the Legislature of Alabama from that representative district in which the County is located and each member of the State Senate from that senatorial district in which the County is situated.

The affairs of the Authority shall be managed and controlled by a Board of Directors consisting of nine members. One of said members shall be the mayor or chief executive officer of the largest municipality in the county; at least two additional of said members shall be resident citizens of the largest municipality in the county; one of said members shall be the President or Chairman of the governing body of the county; and none of said members shall be a member of the Legislative Electoral College. The remaining members shall be elected in the manner hereinafter prescribed; provided, however, that if there shall be a branch court house in the County, one of the members of the Board shall be a resident of the area served by such branch court house. The Chairman of the Board of Directors shall be elected by said Board after all members of the Board shall have been elected and qualified as such.

Within thirty days after this act, as amended, becomes applicable to the County the Mayor of the county seat and

the President or Chairman of the governing body of the County shall address a letter, signed by them jointly in their respective official capacities, to each member of the Legislative Electoral College requesting that the Legislative Electoral College elect those members of the Board of Directors of the Authority to be elected by the Legislative Electoral College. As soon as practical after the members of the Legislative Electoral College receive the said letters, the Legislative Electoral College shall elect seven members of the Board of Directors of the Authority. If the legislative delegation has a chairman, said chairman shall send written notice to the members of the Legislative Electoral College, other than himself, notifying them of the time and place of the meeting to be held for the purpose of electing the members of the Board of Directors to be elected by the Legislative Electoral College, which time shall be not less than six days subsequent to the date on which the Chairman of the Legislative Delegation transmits said written notice to the members of the Legislative Delegation belonging to the Legislative Electoral College. If the Legislative Delegation has no chairman, then the Senator of the senatorial district in which the County is situated shall give said written notice to the members of the legislative delegation. If there is more than one Senator from the County, then that Senator who has served the longest period in the Senate shall give the said notice; and if there is more than one Senator from the County and no Senator has seniority over the other Senator or Senators, then the oldest Senator shall give said notice. The Legislative Electoral College may elect the members of the Board of Directors to be elected by it either at the initial meeting held for that purpose or at some later meeting, provided, however, that if the election is at a later meeting, the time and place of such later meeting shall be fixed by a majority vote of the Legislative Electoral College at a meeting regularly called, or notice of the time and place of such later meeting shall be given in the manner herein prescribed for giving the notice of the initial meeting of the Legislative Electoral College. The election by the Legislative Electoral College shall be by a majority vote of the Senators present and a majority vote of the members of the House of Representatives present. To be elected as a member of the Board of Directors, a person must receive both the vote of a majority of the Senators present and also the vote of a majority of the House members present. Two members of the Board of Directors of the Authority elected by the Legislative Electoral College shall serve for a term of two years, two members of the Board of Directors of the Authority elected by the Legislative Electoral College shall serve for a term of three years, and three members of the Board of Directors of the Authority elected by the Legislature Electoral College

shall serve for a term of four years, as fixed by the Legislative Electoral College, which terms shall commence from the October 1 closest to the date on which they are elected. In the event that seven members of the Board of Directors were not initially elected or the terms of office of such members are not fixed by the Legislative Electoral College, a meeting shall be called in the same manner as hereinabove provided to elect the required additional member or members and to fix the terms of office of all elected members.

The person who under the terms hereof is to give notice of meeting of the Legislative Electoral College shall notify the Mayor or chief executive officer of the largest municipality in the county and the President or Chairman of the governing body of the County whom the Legislative Electoral College elected to serve on the Board of Directors of the Authority.

When the Mayor or chief executive officer of the largest municipality in the county and the President or Chairman of the governing body of the County shall have been notified of the election of the members of the Board of Directors to be elected by the Legislative Electoral College, the said Mayor and the said President or Chairman shall by letter signed by them jointly notify the members of the Board of Directors elected by the Legislative Electoral College of the time and place of the first meeting of the Board of Directors of the Authority. The Board of Directors shall fix the time and place at which they shall meet for the purpose of electing a Chairman of the Board; and the said members shall give such notice as is deemed appropriate by them of the time and place of said meeting.

The Board of Directors shall elect a Chairman of the Board and he shall serve as Chairman until his term as a member of the Board, which he is serving at the time of his election as Chairman, expires. The Chairman shall preside at all meetings of the Board of Directors and the Chairman shall have a vote the same as any other member of the Board of Directors.

No person shall be elected as a member of the Board of Directors of the Authority unless he is a qualified elector of the County. Not more than one member of the Board of Directors elected by the Legislative Electoral College or by the Directors shall hold any public office; provided that this restriction shall not apply to the first members so elected.

The members of the said Board of Directors shall serve without compensation except that they shall be reimbursed for actual expenses incurred in and about the performance of their duties hereunder.

In case a directorship held by an elected director becomes vacant during his term his successor shall be elected in the same manner in which he was elected. The successor shall be deemed to be elected for the remainder of the term during which the vacancy occurred; provided, however, that if a person is elected to any vacant directorship during the last six months of any term of such directorship, he shall be deemed elected for the remainder of such term and for the next succeeding term of such directorship. In the event the Legislative Electoral College shall fail for any reason to elect within sixty days after this Act, as amended, becomes applicable to the County the members of the Board of Directors, which this act provides said Electoral College shall elect, then in that event the two ex officio members of the Board (they being the Mayor or chief executive officer of the largest municipality in the county and the President or Chairman of the governing body of the County) and any other member or members of the Board of Directors theretofore elected shall elect such members of the Board of Directors to fill the directorship which the electoral college fails to fill. In the event a vacancy on the Board of Directors occurs which is to be filled by the Legislative Electoral College and the Legislative Electoral College fails for any reason to fill said vacancy within thirty days from the date of the occurrence of said vacancy, the remaining members of the Board of Directors shall elect a member of the Board to fill said vacancy."

Section 3. This Act shall become effective upon its approval by the Governor or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:00 P.M.

Act No. 498 H. 836—Ellis, Boutwell, Weeks, Dill, Waggoner,
Gafford, McMillan, Doss, Boles,
Hughes, Falkenburg, Timmons,
Meeks

AN ACT

To provide for the compensation to be paid the First Deputy District Attorney, the Second Deputy District Attorney, the Third Deputy District Attorney, the Fourth Deputy District Attorney, the Fifth Deputy District Attorney, the Eighth Deputy District Attorney, the Deputy District Attorney appointed by the District Attorney to serve in any Inferior Criminal Court, County Criminal Court or County Mis-

demeanor Court now or hereafter created, the additional Deputy District Attorney provided for and authorized in Act No. 338, H. 881, Regular District Attorney, the Sixth Deputy District Attorney, the Seventh Session 1967, approved September 1, 1967, the Deputy District Attorney appointed by the District Attorney to serve in any Juvenile Court or Family Court, in counties having a population of six hundred thousand or more, according to the last or any succeeding decennial federal census and to provide the date when said act shall go into effect.

Be It Enacted by the Legislature of Alabama:

Section 1. In each county of the State of Alabama, having a population of six hundred thousand or more according to the last or any succeeding decennial federal census there shall be paid to the First Deputy District Attorney of each said county from the general treasury of the county in equal bi-weekly installments such an annual salary as that when added to the annual salary payable by the State of Alabama to each such Deputy District Attorney the same will make the total annual salary of each such First Deputy District Attorney Twenty Thousand Four Hundred Dollars (\$20,400.00).

Section 2. In each county of the State of Alabama, having a population of six hundred thousand or more according to the last or any succeeding decennial federal census there shall be paid to the Second Deputy District Attorney of each said county from the general treasury of the county in equal bi-weekly installments such an annual salary as that when added to the annual salary payable by the State of Alabama to each such Second Deputy District Attorney the same will make the total annual salary of each such Second Deputy District Attorney Eighteen Thousand Nine Hundred (\$18,900.00) Dollars.

Section 3. In each county of the State of Alabama, having a population of six hundred thousand or more according to the last or any succeeding decennial federal census there shall be paid to the Third Deputy District Attorney of each said county from the general treasury of the county in equal bi-weekly installments such an annual salary as that when added to the annual salary payable by the State of Alabama to each such Third Deputy District Attorney the same will make the total annual salary of each such Third Deputy District Attorney Seventeen Thousand Two Hundred (\$17,200.00) Dollars.

Section 4. In each county of the State of Alabama, having a population of six hundred thousand or more according to the last or any succeeding decennial federal census there shall be paid to the Fourth Deputy District Attorney of each said county from the general treasury of the county in equal bi-weekly installments such an annual salary as that when added to the annual salary payable by the State of Alabama to each

such Fourth Deputy District Attorney the same will make the total annual salary of each such Fourth Deputy District Attorney Sixteen Thousand Four Hundred (\$16,400.00) Dollars.

Section 5. In each county of the State of Alabama, having a population of six hundred thousand or more according to the last or any succeeding decennial federal census there shall be paid to the Fifth Deputy District Attorney of each said county from the general treasury of the county in equal bi-weekly installments such an annual salary as that when added to the annual salary payable by the State of Alabama to each such Fifth Deputy District Attorney the same will make the total annual salary of each such Fifth Deputy District Attorney Sixteen Thousand Four Hundred (\$16,400.00) Dollars.

Section 6. In each county of the State of Alabama, having a population of six hundred thousand or more according to the last or any succeeding decennial federal census there shall be paid to the Sixth Deputy District Attorney of each said county from the general treasury of the county in equal bi-weekly installments such an annual salary as that when added to the annual salary payable by the State of Alabama to each such Sixth Deputy District Attorney the same will make the total annual salary of each such Sixth Deputy District Attorney Fourteen Thousand Nine Hundred (\$14,900.00) Dollars.

Section 7. In each county of the State of Alabama, having a population of six hundred thousand or more according to the last or any succeeding decennial federal census there shall be paid to the Seventh Deputy District Attorney of each said county from the general treasury of the county in equal bi-weekly installments such an annual salary as that when added to the annual salary payable by the State of Alabama to each such Seventh Deputy District Attorney the same will make the total annual salary of each such Seventh Deputy District Attorney Thirteen Thousand Three Hundred (\$13,300.00) Dollars.

Section 8. In each county of the State of Alabama, having a population of six hundred thousand or more according to the last or any succeeding decennial federal census there shall be paid to the Eighth Deputy District Attorney of each said county from the general treasury of the county in equal bi-weekly installments such an annual salary as that when added to the annual salary payable by the State of Alabama to each such Eighth Deputy District Attorney the same will make the total annual salary of each such Eighth Deputy District Attorney Thirteen Thousand Three Hundred (\$13,300.00) Dollars.

Section 9. In each county of the State of Alabama, having a population of six hundred thousand or more according to the last or any succeeding decennial federal census there shall

be paid to the Deputy District Attorney, appointed by the District Attorney to serve in any inferior criminal court, county criminal court or county misdemeanor court of each said county from the general treasury of the county in equal bi-weekly installments such an annual salary as that when added to the annual salary payable by the State of Alabama to each such Deputy District Attorney the same will make the total annual salary of each such Deputy District Attorney Sixteen Thousand (\$16,000.00) Dollars.

Section 10. In each county of the State of Alabama, having a population of six hundred thousand or more according to the last or any succeeding decennial federal census there shall be paid to the additional Deputy District Attorney provided for and authorized in Act No. 338 H. 881, Regular Session 1967, approved September 1, 1967, of each said county from the general treasury of the county in equal bi-weekly installments such an annual salary as that when added to the annual salary payable by the State of Alabama to each such additional Deputy District Attorney provided for and authorized in Act No. 338 H. 881 Regular Session 1967, approved September 1, 1967, Twelve Thousand (\$12,000.00) Dollars.

Section 11. In each county of the State of Alabama, having a population of six hundred thousand or more according to the last or any succeeding decennial federal census there shall be paid to the Deputy District Attorney appointed by the District Attorney to serve in any Juvenile Court or Family Court of said county, or court created in lieu thereof of each said county from the general treasury of the county in equal bi-weekly installments such an annual salary as that when added to the annual salary payable by the State of Alabama to each such Deputy District Attorney the same will make the total annual salary of each such Deputy District Attorney Sixteen Thousand (\$16,000.00) Dollars.

Section 12. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 13. All laws or parts of laws which conflict with this Act are repealed.

Section 14. This Act shall become effective October 1, 1973.

Approved August 27, 1973.

Time: 5:00 P.M.

Act No. 499

H. 858—Waggoner, Jones (E), Meeks, Boles,
Hughes, Wallace, Timmons, Boutwell,
Doss, Adwell, Falkenburg, McNair**AN ACT**

To provide retirement allowances for elected officials in the City of Bessemer, Alabama, and to provide for the payment of such allowances.

Be It Enacted by the Legislature of Alabama:

Section I: Any elected official of the City of Bessemer, who is presently serving or who in the future may serve as such elected official and serves for a period of more than 16 years, shall be paid a retirement allowance equal to 50% of the average compensation he received as a salary during the five highest paid years while he served as such elected official, payable monthly.

Section II: The retirement benefits provided for by this Act shall commence on the first day of the first month following the day the person entitled thereto attains his 65th birthday and is no longer employed by or serving as a full time elected official of a city, county, state or federal government.

Section III: The retirement pension provided by this Act shall be paid for from the general funds of the City except that if any portion of the salary of any elected official has been paid by either or both of the utilities of the city, then such utility shall pay from its funds the equivalent percentage provided in Section I above of the retirement allowance received by such official, from the funds of such utility.

Section IV: This Act shall not apply to the City Attorney or the Recorder, as they are not elected officials.

Section V: This Act shall become effective upon its passage and approval by the Governor and its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:00 P.M.

Act No. 500

H. 860—McCorquodale

AN ACT

To amend Section 3 of Act No. 169, H. 27, Regular Session 1945, (Acts 1945, p. 285), as last amended, which section sets the rates of the forest products severance tax, so as to provide for a privilege tax to be levied against the manufacturer or processor utilizing the forest products; and to provide the manner of levying privilege tax.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act 169, H. 27, Regular Session 1945, (Acts 1945, p. 285), as last amended is hereby further amended as follows:

“Section 3. The measure of the tax is at the following rates:

1. On pine lumber twenty (20¢) cents per thousand feet board measure lumber tally. Where the timber is sold as logs and is not converted into lumber in Alabama, the rate shall be thirty (30¢) cents per thousand feet log scale (Doyle rule) except that logs under eight inches in diameter inside bark at small end shall be scaled as containing one foot log scale for each foot of length. 2. On hardwood, cypress and all other species of lumber twelve (12¢) cents per thousand feet board measure lumber tally. Where the timber is sold as logs and is not converted into lumber in Alabama, the rate shall be twenty (20¢) cents per thousand feet log scale (Doyle rule) except that logs under eight inches in diameter inside bark at small end shall be scaled as containing one foot log scale for each foot length. 3. On pulpwood, chemical wood, bolts, ten (10¢) cents per standard cord of one hundred twenty-eight (128) cubic feet. 4. On crossties .6 of one cent per piece and on switch ties one (1¢) cent per piece. 5. On mine ties and coal mine props, five (5¢) cents per 100 pieces. 6. On pine ore mine props, thirty (30¢) cents per thousand feet log scale (Doyle rule) and on hardwood ore mine props, twenty (20¢) cents per thousand feet log scale (Doyle rule) except that props under eight inches in diameter at small end shall be scaled as containing one foot log scale for each foot of length. In lieu of the foregoing schedule of taxes on ore mine props, the taxpayer may elect to pay the taxes due thereon at the rate of one dollar and twenty-five cents (\$1.25) per thousand lineal feet regardless of species. 7. On piling, three fourths ($\frac{3}{4}$ ths) of one (1%) percent on invoice value at loading out point which shall be based on the amount paid for the pilings at the stump. 8. On poles, one half ($\frac{1}{2}$) of one (1%) percent on invoice value at loading out point which shall be based on the amount paid for the poles at the stump. 9. On turpentine (crude gum), six (6¢) cents per barrel of 400 pounds. 10. On stumpwood (tarwood), five (5¢) cents per ton (2,000 lbs.). 11. On pulpwood chips, ten (10¢) cents per cord of a standard cord of 5,000 lbs.

“There is also levied a privilege tax against the processor of the forest products or the manufacturer using the forest products in an amount equal to 50% of the tax on the severer, as set out above. Said privilege tax shall be collected in the

same manner as the severance tax on the severer is collected. This tax is levied not only upon processors or manufacturers within this state but also upon out of state processors or manufacturers who obtain the timber within this state and ship it outside the state for completion of the manufacturing process. It is the legislative intent that this privilege tax is not to be levied in any manner upon the person owning the land from which the forest products is severed nor upon the person actually cutting the forest products but it is levied upon the processor processing the forest products or manufacturer using the forest products.

"Round wood pulpwood on which the tax has been paid shall not be subject to an additional tax when converted into chips, but the additional tax levied by the preceding section shall be paid by the person, firm or corporation utilizing the chips in a manufacturing process."

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:00 P.M.

Act No. 501

H. 865—Williams

AN ACT

Relating to counties having a population of not less than 38,100 and not more than 40,500, according to the last federal decennial census, and providing for payment of additional expense allowances to the chairman and members of the governing body of said county.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only in counties having a population of not less than 38,100 and not more than 40,500, according to the last federal decennial census, whose affairs are governed by county commission.

Section 2. In such counties the chairman and members of the county commission may be paid a monthly allowance of not more than \$100, to be approved and fixed by the commission, as an expense allowance to compensate them for their travel and other incidental expenses in and about the performance of their duties. This allowance shall be paid monthly out of the general

fund in the same manner that present allowances are paid and shall be in addition to all other amounts now paid.

Section 3. This act is severable and should any section or part thereof be declared invalid or unconstitutional, this shall not affect the validity or constitutionality of the remainder of said act.

Section 4. Any law or any act or part thereof in conflict herewith is expressly repealed.

Section 5. This act shall become effective immediately upon its passage by the Legislature and upon its approval by the Governor, or its otherwise becoming law.

Approved August 27, 1973.

Time: 5:00 P.M.

Act No. 502

H. 868—Boutwell, Adwell, Weeks, Gafford

AN ACT

To amend Act Number 134 of the 1965 Regular Session of the Legislature of Alabama (Acts of Alabama Regular Session 1965, Page 201) approved July 7, 1965, entitled "An Act To Authorize the Mayor of any City of this State having a population of 300,000 persons or more according to the last or any subsequent federal census to employ for and in behalf of said City a Chief Administrative Assistant to the Mayor to serve at the pleasure of the Mayor."

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 1 of Act Number 134 of the 1965 Regular Session of the Legislature of Alabama (Acts of Alabama Regular Session 1965, Page 201) approved July 7, 1965, entitled "An Act to authorize the Mayor of any City of this State having a population of 300,000 persons or more according to the last or any subsequent federal census to employ for and in behalf of said City a Chief Administrative Assistant to the Mayor to serve at the pleasure of the Mayor," be and said Section 1 is hereby amended to read as follows:

"Section 1. The Mayor of any City of this State having a population of 300,000 persons or more according to the last or any subsequent federal census is hereby authorized to employ for and on behalf of said City an employee to be known as Chief Administrative Assistant to the Mayor to serve at the pleasure of the Mayor, to define the duties of said employee, and to fix his compensation at a salary not in excess of \$21,500 per annum. The Chief Administrative Assistant

to the Mayor employed hereunder must reside within the City during the term of his employment. He must have had at least five (5) years experience in public or private business in an executive or managerial capacity; provided, however, a majority of the Council shall have the authority to approve the appointment on a person having different qualifications upon the recommendation of the Mayor. Said Chief Administrative Assistant to the Mayor shall not be subject to the provisions of any merit system, and this Act shall not limit the authority of said Mayor to appoint other employees of said City under civil service or otherwise where authorized by any other law."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:00 P.M.

Act No. 503

H. 873—Boutwell, Adwell, Weeks, McNair,
Gafford

AN ACT

To further amend Section 4.04 of Act No. 452, Regular Session 1955, as amended, providing a Mayor-Council form of government for all cities having a population of more than 300,000 inhabitants.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 4.04 of Act No. 452, Regular Session 1955, as amended, providing a Mayor-Council form of government for all cities having a population of more than 300,000 inhabitants, is hereby amended to read as follows:

"4.04. Compensation—The Mayor shall receive an annual salary of **Thirty-two Thousand Five Hundred Dollars (\$32,500.00)** payable in monthly installments at the end of each month, said installments to be paid at the same rate for any portion of the month during which the Mayor shall hold the office at the rate thus provided."

Section 2. This Act shall become effective on the second Tuesday in November, 1975.

Approved August 27, 1973.

Time: 5:00 P.M.

Act No. 504

H. 893—Gafford, Timmons, Dill, Wallace,
Hughes, Boles, McNair, Boutwell,
McBride, Waggoner, Meeks,
Erdreich, Weeks, Adwell, Bowers,
McMillan

AN ACT

To further amend Section 3 of Act No. 695, H. 1072, Regular Session 1951 (Acts 1951, p. 1198), as amended, relating to the registration and purgation of voters in counties having a population of 400,000 or more, so as to authorize the boards of registrars in any such county to meet from time to time in any of the precincts in any such county for the purpose of registering voters.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 695, H. 1072, Regular Session 1951 (Acts 1951, p. 1198), as amended, is hereby further amended to read as follows:

"Section 3. The board of registrars shall meet for the purpose of registering qualified persons as voters or electors at the courthouse on each Monday, Tuesday and Wednesday in each week; provided, that if there is in any of the counties described in Section 1 hereof a branch courthouse, the board of registrars shall meet at such branch courthouse on the third Wednesday in each month and on the preceding Monday and Tuesday for the purpose of registering qualified persons as voters or electors; provided further, that the board of registrars shall not meet in any place unless accommodations and necessary facilities for registering qualified persons as voters or electors are furnished to the board; provided further, that the board of registrars, upon petition of 25 or more resident citizens of any precinct who are eighteen years of age or over and who desire to be registered as voters or electors, shall meet at a regularly designated polling place or at such other place as selected by the board of registrars in such precinct of the county on any Thursday or Friday of any week for the purpose of registering qualified persons as voters or electors; provided further, that the board of registrars shall not, during the two weeks immediately preceding any regular or special municipal, county, state or federal primary or general election, register any person who will be entitled to vote at such election. In the event that the board of registrars meet pursuant to the third proviso of the next preceding sentence, they shall give at least twenty days notice of the date and time when, and the place and the precinct where, they will meet to register qualified persons as voters or electors, by bills posted at three or more public places in the precinct where they will so meet, and by notice one time in a newspaper of general circulation in the county. The provisions of Sections 26, 27, Title 17,

Alabama Code of 1940, and said Act No. 668, approved October 8, 1947, and of Act No. 6, General Laws of Alabama (Fourth Special Session), approved August 11, 1950, insofar as said Code sections and said acts fix the time when the board of registrars shall or may meet for registering qualified voters or electors, shall have no application in any of the counties described in Section 1 of this Act."

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:00 P.M.

Act No. 505

H. 955—Crowe, Naramore

AN ACT

To provide further for the recording fee in the probate office of counties having a population of not less than 55,500 nor more than 56,500 inhabitants, according to the most recent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. The probate judge of counties having a population of not less than 55,500 nor more than 56,500 inhabitants, according to the most recent federal decennial census, shall charge a recording fee of \$1.50 per page for all documents recorded in the probate records of the county unless a higher fee is otherwise provided for by law. All documents recorded in the office of Probate Judge shall be typed, typed double space and on one side of page.

Section 2. Any increase in the recording fees of such counties collected under the provisions of this Act shall be collected, handled and disposed of as are other recording fees under the laws of this State.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately

upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:00 P.M.

Act No. 506

H. 973—Cauthen

AN ACT

Relating to all counties having a population of not less than 75,000 nor more than 90,000 inhabitants according to the most recent federal decennial census; authorizing the governing body of any such counties or any municipality within such counties to provide recreational facilities and services; to provide for the creation, establishment, maintenance, and support of a recreation board in any such county or municipality; and to provide for the duties and powers of such boards.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of all counties having a population of not less than 75,000 nor more than 90,000 inhabitants according to the most recent federal decennial census or the governing body of any municipality within such counties may by resolution or ordinance, duly recorded in its minutes, create a recreation board.

Section 2. Each recreation board shall consist of not less than five (5) members nor more than seven (7) members and the number of members shall be within the discretion of the governing body of each such county or municipality and they shall be selected by the county or municipal governing body from residents of the county or municipality who have recognized interest in recreational activities. Members of the recreation board first shall be appointed as follows: one (1) for a term of one (1) year; one (1) for a term of two (2) years; one (1) for a term of three (3) years; one (1) for a term of four (4) years; and any additional members for a term of five (5) years each. As the terms of members expire, their successors shall be elected for terms of five (5) years each. Vacancies in unexpired terms shall be filled in the same manner as original appointments are made. The board shall elect from its membership a chairman and secretary, and such other officers as it deems necessary, to serve at its pleasure. The board shall adopt rules and regulations covering the procedures of the board and the use of lands, buildings, equipment, and other facilities under its jurisdiction. Members of the board shall serve without compensation.

Section 3. The recreation board may employ a county or

municipal director of recreation to be its executive officer. The director, with the approval of the board, shall employ such staff as may be necessary to effect the recreation program determined by the board. The salaries of the director and the staff shall be fixed by the board. The tenure of the director and the staff shall be at the pleasure of the board. Traveling and other expenses of the director and the staff while in performance of their duties shall be provided for by the board.

Section 4. The recreation board shall be responsible for the direction, supervision, and promotion of such recreation programs as will contribute to the general welfare of the residents of the county or municipality. The board shall have control over all lands, buildings, equipment, and other facilities assigned for recreational purposes to the board by the county or municipal governing body or purchased or leased by it from funds provided by the governing body. The board shall cooperate with other local agencies and state and federal agencies for the purpose of maintaining and improving recreational services and facilities for the county or municipality. The board shall have power to accept financial and other aid and grants from any public or private agency.

Section 5. The governing body of any such county or municipality may make appropriations from county or municipal general funds to the recreation board for the support and maintenance of the board, a recreational program, and recreational lands, buildings, equipment, and facilities. The governing body may designate for use as parks, playgrounds, and recreation centers and facilities any land or buildings owned by, leased by, or loaned to such county or municipality. The governing body may improve and equip or appropriate funds to the board for improving and equipping the lands and buildings for recreational purposes. The governing body may acquire lands, buildings, and facilities for recreational purposes by means of purchase, lease, loan, gift, or condemnation procedure and shall have power to accept financial and other aid and grants for recreation purposes from any public or private agency. Any such county or municipality may join with one or more such counties or municipalities in acquiring property for recreational purposes and, through the recreation board, join similarly in the operating and maintaining of playgrounds, parks, and recreation centers and facilities. Any such county or municipality may cooperate with another such county or municipality by establishment and maintenance of a joint recreation board.

Section 6. This act shall be construed liberally. If any section or part is declared invalid in its general or specific

application, such declaration shall not affect the validity of other sections, parts, or applications.

Section 7. All laws and parts of laws in conflict with this act are hereby repealed.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:00 P.M.

Act No. 507

H. 993—Timmons

AN ACT

To fix the compensation or salary of the Sheriff of all counties having a population of six hundred thousand (600,000) or more according to the last or subsequent federal census. To provide for the manner of payment thereof and to repeal all laws in conflict herewith.

Be It Enacted by the Legislature of Alabama:

Section 1. The salary of the Sheriff of all counties having a population of six hundred thousand (600,000) or more according to the last or any subsequent federal census is hereby fixed at **twenty three thousand one hundred eighty dollars (\$23,180.00)** per annum, payable in equal monthly installments. The salary provided for herein shall be the entire compensation of the Sheriff, in lieu of all other compensations. All fees, commissions, percentages and allowances collectible out of the Sheriff shall be collected and paid into the general fund of the county.

Section 2. The salary of said Sheriff now in effect shall remain the same until the expiration of the present term of office of such Sheriff and the salary provided in this Act shall take effect at the beginning of the next term of office of such Sheriff.

Section 3. All laws or part of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective on the first Monday after the second Tuesday in January, 1975.

Approved August 27, 1973.

Time: 5:00 P.M.

Act No. 508

H. 997—Doss, Dill, Falkenburg, Erdreich,
Bowers, Timmons, Adwell,
Jones (E), Boutwell, Waggoner,
Hughes, Ellis

AN ACT

To amend Act No. 993 (H. 1089) enacted at the 1971 regular session of the Legislature of Alabama, as heretofore amended, applicable to any county having a population of not less than 600,000 according to the last or any subsequent Federal Decennial Census, so as to authorize the county transit authority provided for by said Act to provide charter service within the State of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 8 of Act No. 993 (H. 1089) enacted at the 1971 regular session of the Legislature of Alabama, applicable to any county having a population of not less than 600,000 according to the last or any subsequent Federal Decennial Census, is hereby amended to read as follows:

“Section 8. Powers of Authority. The Authority shall have the following powers, together with all powers incidental thereto or necessary to the discharge thereof in corporate form:

(1) To have succession by its corporate name for the duration of time (which may be perpetually, subject to the provisions of Section 20 hereof) specified in its certificate of incorporation;

(2) To sue and be sued in its own name in civil suits and actions and to defend suits against it;

(3) To adopt and make use of a corporate seal and to alter the same at pleasure;

(4) To adopt and alter by-laws for the regulation and conduct of its affairs and business;

(5) To acquire, receive and take, by purchase, gift, lease, devise or otherwise, and to hold property of every description, real, personal or mixed, whether located in one or more counties of municipalities and whether located within or outside the authorizing county;

(6) To make, enter into, and execute such contracts, agreements, leases and other instruments and to take other actions as may be necessary or convenient to accomplish any purpose for which the Authority was organized or to exercise any power expressly granted hereunder;

(7) To plan, establish, develop, acquire, purchase, lease, construct, reconstruct, enlarge, improve, maintain, equip and operate transit systems within the authorizing county, whether

located in one or more municipalities, and without any requirement that such transit systems be interconnected or otherwise constitute an integrated operational unit, and to acquire real and personal property, franchises and easements deemed necessary or desirable in connection therewith;

(8) To provide public transportation service within the authorizing county or in any part thereof upon such reasonable terms and for such reasonable rates and consideration as the board may prescribe;

(9) To provide charter service within the state upon such terms and for such consideration as the board may prescribe, and to use or operate any part of any transit system owned by the Authority in such service, subject to the regulations and approval of the Alabama Public Service Commission.

(10) To sell and issue bonds of the Authority in order to provide funds for any corporate function, use or purpose, any such bonds to be payable solely from the sources specified in Section 10 hereof;

(11) To assume obligations secured by a lien on, or payable out of or secured by a pledge of the revenues from, any transit system or any part thereof, that may be acquired by the Authority, any obligation so assumed to be payable by the Authority solely from the sources from which bonds of the Authority may be made payable pursuant to the provisions of Section 10 hereof;

(12) To pledge for payment of any bonds issued or obligations assumed by the Authority any revenues from which those bonds or obligations are made payable as herein provided;

(13) To execute and deliver, in accordance with the provisions of this section and of Sections 10 and 11 hereof, mortgages and deeds of trust and trust indentures, or either;

(14) To exercise the power of eminent domain in the manner provided in and subject to the provisions of Title 19 of the Code of Alabama of 1940, as amended, provided, however, that this clause shall not be deemed to authorize the Authority to acquire, without the consent of the owner or owners thereof, any transit system from which public transportation service is at the time being furnished;

(15) To expend funds for the purchase or lease of materials, equipment, supplies or other personal property without compliance with the provisions of Act No. 217 enacted at the 1967 Special Session of the Legislature of Alabama, as amended, that might otherwise be applicable, but only where the expenditure involves less than \$2,000;

(16) Without regard to any provisions of Act No. 217 enacted at the 1967 Special Session of the Legislature of Alabama, as amended, or any law establishing a civil service or merit system that might otherwise be applicable, to appoint, employ, contract with, and provide for the compensation of, such officers, employees and agents, including but without limitation to engineers, attorneys, management consultants, and fiscal advisers, as the business of the Authority may require, and at its option to provide a system of disability pay, employee insurance, retirement compensation and pensions, or any of them;

(17) To make and enforce reasonable rules and regulations governing the use of any transit system owned or controlled by the Authority;

(18) To provide for such insurance as the board may deem advisable;

(19) To invest any funds of the Authority that the board may determine are not presently needed in the operation of its properties in bonds of the United States of America, bonds of the state, bonds of any county or municipality, and interest bearing bank deposits, or any thereof;

(20) To cooperate with the United States of America, any agency or instrumentality thereof, the state, any county, municipality or other political subdivision of the state and any public corporation organized under the laws of the state and to make such contracts with them, or any of them, as the board may deem advisable to accomplish the purposes for which the Authority was established;

(21) To sell and convey any of its properties that may have become obsolete or worn out or that may not longer be needed or useful as a part of any transit system of the Authority;

(22) To sell and convey, with or without valuable consideration, any of its transit systems or any portion of any thereof, to any one or more counties, municipalities, or public corporations organized under the laws of the state, which have the corporate power to operate the system, or portions thereof, so conveyed and the property and income of which are not subject to taxation; provided, that any such sale and conveyance may be made (a) only with the consent of the authorizing county, the principal municipality and each participating municipality, such consent to be evidence by a resolution adopted by the governing body of each consenting county and municipality, and (b) only if such conveyance would not constitute a breach of any then outstanding mortgage and deed of trust, trust indenture, or other agreement to which the Authority is a party;

(23) To enter into collective bargaining agreements with all or any part of the employees of the Authority or with any groups or associations representing such employees;

(24) To enter into a management agreement or agreements with any person for the management by or for the Authority of any transit system upon such terms and conditions as may be mutually agreeable;

(25) To require that all laborers and mechanics employed by contractors or sub-contractors in the performance of construction work for the Authority be paid wages at rates not less than those prevailing on similar construction in the locality where such work is performed as determined by the United States Secretary of Labor or any department, agency or instrumentality of the United States or of the state;

(26) In the event the Authority shall acquire an existing transit system, to enter into such arrangements as may be necessary to protect the interest of employees of such acquired system including, without limiting the generality of the foregoing, (a) the preservation of rights, privileges and benefits under existing collective bargaining agreements or otherwise), (b) the continuation of collective bargaining rights, (c) the protection of individual employees against a worsening of their positions with respect to their employment, (d) assurance of employment to such employees of acquired transit systems and priority of re-employment of such employees terminated or laid off, and (e) paid training and retraining programs; and

(27) To fix and revise from time to time reasonable rates, fees and other charges for public transportation service furnished or to be furnished by any transit system owned or operated by the Authority, and to collect all charges made by it.

Nothing herein shall be construed to permit an Authority to acquire, receive, take, hold, establish, develop, construct, reconstruct, enlarge, improve, maintain, equip or operate any property or transit system located outside the authorizing county, except in the provision of charter service within the state."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:00 P.M.

Act No. 509

H. 1006—Cauthen

AN ACT

To provide further for the selection of textbooks and instructional materials for use in public schools in counties having a population of not less than 75,000 nor more than 90,000 inhabitants according to the most recent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. In counties having a population of not less than 75,000 nor more than 90,000 inhabitants according to the most recent federal decennial census, the county board of education, upon the recommendation of the county superintendent of education may select and adopt textbooks and instructional materials for use in the public tax-supported schools other than the textbooks and materials on the list of state-approved or state-adopted textbooks, and may substitute such books and materials for the books and materials on the state adoption list. Provided, however, such county board of education shall provide free textbooks to all grades which would be provided under the terms of Act No. 221, Special Session, 1965, H. 40.

Section 2. The provision of Act No. 412, Regular Session 1945, or of the Free Textbook Law of 1965, that are inconsistent with this Act are superseded by this Act.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:00 P.M.

Act No. 510

H. 1024—Mathews

AN ACT

To make supplemental appropriations to various state departments for the fiscal year ending September 30, 1973.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated, in addition to all other appropriations out of the General Fund in the State Treasury for the fiscal year ending September 30, 1973 the following:

Section 2.

- (a) For transfer to the Department
of Agriculture and Industries 12,264.00

- (b) For transfer to the Agricultural Center Board 1,938.00
- (c) For transfer to the Board of Corrections 150,000.00
- (d) Oil and Gas Board:
For other salaries 7,996.00
- (e) Geological Survey:
For other salaries 8,723.00
- (f) Court of Civil Appeal:
For other salaries 3,427.00
- (g) Board of Pardon and Paroles:
For other salaries 15,804.00
- (h) Departmental Emergency Fund 100,000.00
- (i) Governor's Emergency Fund 125,000.00
- (j) Finance Department:
Division of Service:
Other Expenses: 30,000.00
- (k) Department of Archives and History
For other salaries 3,981.00
- (l) Office of the Attorney General:
For salaries and other expenses 55,700.00

**FROM FUNDS OTHER THAN THE
GENERAL FUND:**

- (m) Department of Agriculture and Industries:
For other salaries 12,264.00
The above appropriation in subsection (m)
shall be paid out of the Agricultural Fund.
- (n) Agricultural Center Board:
For other salaries 1,938.00
The above appropriation in subsection (n)
shall be paid out of the Agricultural
Center Board Fund.
- (o) Board of Corrections:
For other salaries 150,000.00
The above appropriation in subsection (o)
shall be paid out of the Board of Corrections
Fund.

Section 3. This Act shall become effective immediately

upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:00 P.M.

Act No. 511

H. 1042—Reynolds

AN ACT

To repeal Act No. 162, S. 301, 1957 Regular Session (Acts 1957, p. 217) entitled "To prohibit the hunting of wild deer with a rifle or carbine in the County of Colbert, and prescribing the penalty for such offense."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 162, S. 301, 1957 Regular Session (Acts 1957, p. 217) entitled "To prohibits the hunting of wild deer with a rifle or carbine in the County of Colbert, and prescribing the penalty for such offense," is hereby repealed.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:00 P.M.

Act No. 512

H. 1053—Falkenburg, Doss, Wallace, McMillan,
Ellis, Hughes, Dill, McBride,
Gafford, Meeks, Adwell

AN ACT

To fix the compensation or salary of the Judges of the Court of General Sessions of Jefferson County and to regulate the payment of salaries of said Judges.

Be It Enacted by the Legislature of Alabama:

Section 1. Each Judge of the Court of General Sessions of Jefferson County shall receive a total annual salary of Eighteen Thousand Three Hundred Dollars (\$18,300.00), which salary shall be paid out of the Jefferson County Treasury as the salaries of other county employees are paid.

Section 2. That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

Section 3. This Act shall become effective at the beginning of the next term of office of the Judges of said Court of General Sessions of Jefferson County.

Approved August 27, 1973.

Time: 5:00 P.M.

Act No. 513

H. 1083—Adwell, Boutwell, Weeks, McNair,
Boles, Waggoner, Meeks, Hughes,
Ellis, Wallace

AN ACT

To fix the compensation or salary of the President and members of the County Commission, or other governing body, of all counties having a population of six hundred thousand (600,000) or more according to the last or any subsequent federal census. To provide for the manner of payment thereof and to repeal all laws in conflict herewith.

Be It Enacted by the Legislature of Alabama:

Section 1. The salary of the President of the County Commission, or other governing body, of all counties having a population of six hundred thousand (600,000) or more according to the last or any subsequent federal census, is hereby fixed at twenty eight thousand one hundred dollars (\$28,100.00) per annum payable in equal monthly installments, and the salaries of all counties having a population of six hundred thousand (600,000) or more according to the last or any subsequent federal census, other than the President thereof, is hereby fixed at twenty seven thousand one hundred dollars (\$27,100.00) per annum, payable in equal monthly installments.

Section 2. The salary of the said President of the County Commission, or other governing body, and the members of the County Commission, or other governing body, other than the President thereof, now in effect shall remain the same until the expiration of the present term of their offices and the salary provided for in this Act shall take effect at the beginning of the next term of office of such officers.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective upon its passage and approval by the governor or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:00 P.M.

Act No. 514

H. 1115—Grey (D)

AN ACT

Relating to counties having a population of not less than 16,245 nor more than 16,300 inhabitants according to the most recent federal decennial census; to provide that the sheriff shall be entitled to the allowances payable by the state for feeding prisoners; to provide that the provisions of this Act shall be retroactive to January 18, 1971.

Be It Enacted by the Legislature of Alabama:

Section 1. In counties having a population of not less than 16,245 nor more than 16,300 inhabitants according to the most recent federal decennial census, the sheriff shall be entitled to keep and retain the allowances payable by the state for feeding prisoners.

Section 2. The provisions of this Act shall be retroactive to January 18, 1971, and all actions taken by the sheriff in accordance with the provisions of this Act are hereby validated and confirmed.

Approved August 27, 1973.

Time: 5:00 P.M.

Act No. 515

H. 1116—Grey (D)

AN ACT

Relating to counties having a population of not less than 14,000 nor more than 15,000 inhabitants according to the most recent federal decennial census; to provide that the sheriff shall be entitled to the allowances payable by the state for feeding prisoners; to provide that the provisions of this Act shall be retroactive to January 18, 1971.

Be It Enacted by the Legislature of Alabama:

Section 1. In counties having a population of not less than 14,000 nor more than 15,000 inhabitants according to the most recent federal decennial census, the sheriff shall be entitled to keep and retain the allowances payable by state for feeding prisoners.

Section 2. The provisions of this Act shall be retroactive to January 18, 1971, and all actions taken by the sheriff in accordance with the provisions of this Act are hereby validated and confirmed.

Approved August 27, 1973.

Time: 5:00 P.M.

Act No. 516

H. 1167—Hill, Flippo

AN ACT

To apply only in counties in the state having a population of not less than 65,500 nor more than 75,200 inhabitants, according to the last or any subsequent federal decennial census, wherein the use of voting machines has been, or shall be, authorized; to provide that the county governing body in regulating and providing for the use of voting machines in all elections in the county may, in the manner herein prescribed, divide any voting precinct of the county into territories, designate in each territory a voting center at which the qualified electors of the territory so designated may vote, and prescribe the number of voting machines to be maintained at each voting center; and to provide election officers for each voting center designated by the county governing body, prescribe the duties of such election officers, and fix their compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only in counties of the state having a population of not less than 65,500 nor more than 75,200 inhabitants according to the last or any subsequent federal decennial census. Unless a contrary intent appears from the context, as used herein, the word "county" means any county to which this act applies; the phrase "county governing body" means the court of county commissioners, board of revenue, or other like governing body of any such county; the word "election" means any general, special, or primary election held in the county, including a district, municipal, county, state or federal election; and the term "voting center" means any place in the county which the county governing body designates as a place where a voting machine or voting machines will be maintained or operated at elections.

Section 2. (a) Subject to the provisions of subsection (b), when the use of voting machines at elections in the county has been, or shall hereafter be authorized, the county governing body of the county shall have the authority to designate a voting center or voting centers in the county. The order so designating voting centers shall state (1) the location of the voting center and (2) the boundaries of the territory in which electors shall reside to be entitled to vote at said voting center. A copy of this order shall be posted at the courthouse door of each county to which this act applies. The limitations prescribed by law as to the number of electors who may reside in a voting district shall not apply to a territory designated hereunder. All of the territory designated for a voting center shall be located in the same precinct; and the voting center designated therefor shall be located in the territory. The county governing body may by order abolish a voting territory and discontinue the voting center therein or may extend or restrict the boundaries of such voting territory and retain the voting center therein, or may subdivide such

voting territory and designate an additional voting center therein.

(b) Except as herein expressly provided, in designating voting centers and the territory for which they were established, the county governing body shall be subject to all other laws applicable to the governing body of a county, regarding the change or establishment of the districts of a precinct, including but not limited to the provisions of Article 6, Chapter 1, Title 17, Code of Alabama 1940, as amended.

Section 3. (a) The voting list of any territory which is furnished the election officers serving at the voting center designated for such territory shall contain the names of all qualified electors of the territory on a single roll; however, when the roll contains more than twenty-four hundred names the list of qualified electors or roll shall be divided into alphabetical sections of not more than twenty-four hundred names per section. Except as herein otherwise provided, the laws applicable to the preparation, distribution, publication and checking of qualified lists shall apply to the poll list of a territory for which a voting center has been established by the county governing body pursuant to authority hereby conferred.

(b) No elector shall vote at any voting center other than the voting center of the territory of which he is a qualified elector, but any elector eligible to vote at a voting center may vote on any voting machine maintained at such voting center, upon presentation of the identification card issued to him by an election officer serving at such voting center.

Section 4. The county governing body shall determine the number of voting machines deemed necessary to serve adequately the voters at an election, taking into consideration the nature or character of the election; provided, however, that at each election there shall be maintained at each voting center at least one voting machine for each six hundred registered electors, or fraction thereof, residing in the territory served by the voting center designated for said territory. At least twenty days prior to the time when the election officers for an election are required to be appointed, the county governing body shall in writing inform the officers whose duty it is to appoint said election officers of the number of voting machines which will be maintained at the respective voting centers during the forthcoming election; and the officers whose duty it is to appoint election officers shall appoint the number of election officers for the respective voting centers required hereby to conduct elections in which the number of voting machines, shown in the statement of the county governing body, will be maintained.

Section 5. (a) For each voting center where only one voting machine is to be used, the election officials shall consist of an inspector, a chief clerk and two assistant clerks. For each voting center where more than one voting machine is to be used there shall be appointed one chief inspector who shall supervise the conduct of the other officials and the operation of the voting center, one inspector and one chief clerk, and for each voting machine to be used at such center there shall be appointed two assistant clerks. For each voting center where more than four voting machines are to be used there may be appointed two additional assistant clerks for each group of four voting machines or fraction thereof.

(b) The election officers provided for herein shall be appointed by the same officers that appoint other election officers. They shall perform all duties imposed on election officers by the general law and in addition thereto the following duties: one of the election officers shall be assigned to each section of the voting list and such election officer shall issue to each elector at the time he checks the name off the list of qualified electors an identification card, which shall be presented to the assistant clerk in charge of the voting machine and surrendered to him when the voter enters the voting machine. The identification cards shall each have printed on them the words "voter identification card," and they shall contain a space in which shall be entered the signature of the election officer who delivers the card to the elector. The identification cards shall bear neither a number nor the name of a voter. Identification cards shall be procured by the same officer who procures other election supplies and shall be paid for from the same funds that the cost of other election supplies are paid.

(c) The assistant clerk in charge of the voting machine shall require that each voter sign at the machine a poll list before he is allowed to enter the machine to vote. A separate poll list of persons casting challenged votes shall be kept by the officials.

(d) The inspector shall certify on each statement of canvass form the total number of votes cast on all machines at the voting center and the total number of electors' names recorded on the poll lists at such voting center. Election officers provided for by this act shall be compensated for their services in the same manner and at the same rates provided by law for election officers where voting machines are used.

(e) It shall be the duty of all election officials to see that order is maintained in the polling place. The inspector shall see that the returns are filled out for each voting machine as required by law and delivered to the proper officials, and that the records of the election relating to each machine are enclosed

respectively in each machine, and that the list of qualified voters, challenged ballots, and one copy of each challenged oath and any other records relating to the election in general are enclosed in an appropriate voting machine.

Section 6. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. The provisions of this act shall be supplemental to other laws regulating the designating of voting places and the division of voting precincts into voting districts and shall be construed in *pari materia* with such laws but such provisions of these laws as conflict with this act are hereby repealed.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:00 P.M.

Act No. 517

H. 1170—Therrell, Stokes, Callahan,
Perloff, Nettles

AN ACT

To provide for the compensation of jurors in counties having populations of not less than 300,000 nor more than 600,000 according to the most recent decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. All grand and petit jurors, serving in any county having a population of not less than 300,000 nor more than 600,000, according to the most recent decennial census, shall be entitled to eight dollars for each day's service, to be proved by the oath of the juror before the Clerk of the court. The Clerk shall give each juror a certificate, stating therein the number of days he has served and the amount of compensation to which he is entitled. The certificate shall be receivable in payment of county taxes, and other county dues payable out of the treasury.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or otherwise becoming law.

Approved August 27, 1973.

Time: 5:10 P.M.

Act No. 518

H. 1183—Grey (D)

AN ACT

Relating to all counties having populations of not less than 14,000 nor more than 15,000 inhabitants, according to the most recent federal decennial census; amending Section 1 of Act No. 706, H. 989, Regular Session 1967, (Acts 1967, p. 1537), as amended, which section regulates the compensation of the county superintendent of education in said counties, so as to further regulate the compensation of said superintendent of education.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 706, H. 989, Regular Session 1967 (Acts 1967, p. 1537), as amended, is hereby further amended to read as follows:

“Section 1. The annual salary of the county superintendents of education in all counties having a population of not less than 14,000 nor more than 15,000 according to the most recent federal decennial census, shall be fixed by the County Board of Education. The amount thereof shall not be less than nine thousand dollars (\$9,000) per annum and shall not exceed the sum of seventeen thousand dollars (\$17,000) per annum, to be paid at the same time and in the same manner as now prescribed by law for the payment of compensation to the county superintendents of education.”

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective on July 1, 1973.

Approved August 27, 1973.

Time: 5:10 P.M.

Act No. 519

H. 1205—Connell, Crawford

AN ACT

To provide for supplemental salary to be paid by Houston County, Alabama, to the additional Judge, Place Number 2, of the Judicial Circuit embracing Houston County; to fix the amount and method of payment thereof; and to further provide the effective date of said Act.

Be It Enacted by the Legislature of Alabama:

Section I. In addition to the salary paid to the additional Judge, Place Number 2, of the Judicial Circuit embracing Houston County, Alabama, by the State, there shall be paid to the said Judge, the supplemental sum of \$1,500.00 per annum out of the general funds of Houston County, Alabama, in equal monthly in-

stallments on the last day of each month, to be paid on the certificate of said Judge.

Section 2. This act shall become effective at the earliest time allowed by law.

Approved August 27, 1973.

Time: 5:10 P.M.

Act No. 520

H. 1246—Wise, Jackson

AN ACT

To amend Section 4 of Act No. 1789, H. 1900, Regular Session 1971 (Acts 1971, p. 2957), which act provides for the selection of the Superintendent of Education of Geneva County, so as to further provide for his traveling expense; providing retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 4 of Act No. 1789, H. 1900, Regular Session 1971 (Acts 1971, p. 2957), is hereby amended to read as follows:

“Section 4. In addition to the salary authorized by this Act, the County Board of Education of Geneva County is empowered to fix, approve, and authorize the payment of traveling expenses not in excess of two thousand dollars (\$2,000.00) annually and such amounts expended for out of county travel actually incurred by the County superintendent of education in the performance of his official duties within and without the County.”

Section 2. This amendatory act shall have retroactive effect to the date of the approval of the original act: viz. September 17, 1971.

Approved August 27, 1973.

Time: 5:10 P.M.

Act No. 521

H. 1265—Crawford, Connell

AN ACT

To amend the title and Section 1 and Section 2, and Section 3 of Act No. 920, H. 1712, Regular Session, 1971 (Acts 1971, Page 1680), which authorizes the County Commission to pay the salaries of clerks for the Tax Assessor and the Tax Collector in certain Counties classified on a population basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 920, H. 1712, Regular Session 1971 (Acts 1971, Page 1680) is amended to read as follows:

"AN ACT RELATING to all Counties having populations of not less than 13,200 nor more than 13,800, according to the most recent Federal decennial census; to authorize the governing body of each County to pay the salaries of clerks for the Tax Assessor and the Tax Collector of the County."

Section 2. Section 2 of said Act No. 920, H. 1712, is amended to read as follows:

"Section 2. The governing bodies of all Counties in this State having populations of not less than 13,200 nor more than 13,800, according to the most recent Federal decennial census are authorized to pay out of the General Fund of their respective County treasuries the salaries of a clerk for the Tax Assessor and a Clerk for the Tax Collector. Such clerks shall be appointed by the Tax Assessor and the Tax Collector, respectively. The Tax Assessor shall fix his (or her) clerk's salary and the Tax Collector shall fix his (or her) clerk's salary; however, neither Clerk's salary may be fixed at more than \$5,000.00 per annum, and shall be paid in regular equal monthly payments."

Section 3. Section 3 of said Act No. 920, H. 1712, is amended to read as follows:

"Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law."

Approved August 27, 1973.

Time: 5:10 P.M.

Act No. 522

H. 1266—Crawford, Connell

AN ACT

Relating to counties having a population of not less than 13,200 nor more than 13,800 inhabitants according to the most recent federal decennial census; to provide that the sheriff shall be entitled to the allowances payable by the state for feeding prisoners; to provide that the provisions of this Act shall be retroactive to January 18, 1971.

Be It Enacted by the Legislature of Alabama:

Section 1. In counties having a population of not less than 13,200 nor more than 13,800 inhabitants and cities therein accord-

ing to the most recent federal decennial census, the sheriff shall be entitled to keep and retain the allowances payable by the state for feeding prisoners.

Section 2. The provisions of this Act shall be retroactive to January 18, 1971, and all actions taken by the sheriff in accordance with the provisions of this Act are hereby validated and confirmed.

Approved August 27, 1973.

Time: 5:10 P.M.

Act No. 523

H. 1267—Crawford, Connell

AN ACT

TO AMEND ACT NO. 1171, SECTION 3, FIXING THE SALARY OF DEPUTY DISTRICT ATTORNEY NO. 1 AND DEPUTY DISTRICT ATTORNEY NO. 2 OF HENRY COUNTY, ALABAMA, AND PROVIDING FOR PAYMENT THEREOF.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 3 of Act No. 1171 enacted by the Regular Session of the 1971 Legislature be and the same is hereby amended to read as follows:

“Section 3. The salary of Deputy District Attorney No. 1 shall be fixed by the District Attorney of the Twentieth Judicial Circuit at a sum not to exceed \$2400.00 per annum, payable out of the County Treasury of said County in equal monthly installments, as provided by law for the payment of salaries out of the general fund of said County. The salary of Deputy District Attorney No. 2 shall be fixed by the District Attorney of the Twentieth Judicial Circuit at a sum not to exceed \$2400.00 per annum, payable out of the County Treasury of said County in equal monthly installments, as provided by law for the payment of salaries out of the general fund of said County.”

Section 2. That all laws or parts of laws in conflict with the provisions of this Act are hereby expressly repealed.

Section 3. This Act shall take effect on the 1st day of the month next following the date of its enactment.

Approved August 27, 1973.

Time: 5:10 P.M.

Act No. 524

H. 1269—Crawford, Connell

AN ACT

Relating to Counties having a population of not less than 13,200 nor more than 13,800 according to the most recent Federal decennial census; to grant an allowance to the Circuit Clerk of such Counties for clerical assistance.

Be It Enacted by the Legislature of Alabama:

Section 1. In all Counties having a population of not less than 13,200 and not more than 13,800, according to the most recent Federal decennial census, the Circuit Clerks of such Counties shall receive an allowance for clerical help, in a monthly sum to be fixed by the Court of Commissioners of said Counties; but not to exceed the total sum of \$4800.00 per year. Said allowance shall be paid from the General Fund of the Counties to the clerk duly appointed by the Circuit Clerk of any such County.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:10 P.M.

Act No. 525

H. 1326—Edwards

AN ACT

To alter, rearrange and extend the boundary lines of the City of Prattville in Autauga County.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the City of Prattville, Autauga County, are hereby altered or rearranged so as to include all of the territory heretofore encompassed by the corporate limits of the City of Prattville and in addition thereto the following described territory:

Begin at a point where the East boundary of the present city limits intersects the center of Section 11, Township 17 North, Range 16 East, thence South 11,280 feet, more or less, to a point, this point being common to the Eastern boundary line of the West Half of Section 23, Township 17, Range 16, and to a line parallel to and 600 feet Southwesterly of the center line of U.S. Highway 31, (the Southeast Corner of the present city limits), thence in a Southeasterly direction 5700 feet parallel to and 600

feet from the center line of U. S. Highway 31 to a point in Section 25, Township 17 North, Range 16 East, on the North right of way of county road #4, thence Easterly along the North right of way of County Road #4 and the extension of said line thereof to a point on the East line of Fractional Section 25 and being the boundary between Autauga and Elmore Counties, thence North along the boundary between Autauga and Elmore Counties 15,170 feet, more or less, to the mid-section line of Fractional Section 12, Township 17 North, Range 16 East, thence westerly along the East-West mid-section line of Section 12, and Section 11, Township 17 North, Range 16 East, 4,670 feet, more or less, to the point of beginning.

Section 2. The substantive provisions of this act shall become effective only if the act is approved by a majority of the qualified electors of Autauga County who reside within the territory described above, voting in a referendum election to be held on the first Tuesday after the expiration of thirty days from the effective date of this act. The notice of the election shall be given by the probate judge of Autauga County by publication of such notice in one issue of a newspaper of general circulation in Autauga County. The question shall be the adoption of Act No. _____ of the 1973 Regular Session of the Legislature, which alters, rearranges and extends the corporate limits of the City of Prattville in Autauga County. The City of Prattville shall provide the place of election and ballots therefor on which shall be written or printed the words "Do you favor the adoption of Act No. _____ of the 1973 Regular Session of the Legislature, which alters, rearranges, and extends the corporate limits of the City of Prattville?" If the voter desires to vote for the adoption of said act such voter shall mark the ballot the word "Yes". If he desires to vote against the adoption of such act the word "No" shall be marked on his ballot. The City of Prattville shall pay all costs and expenses incident to the election.

If a majority of the votes cast in the election are "Yes" the provisions of this act shall become operative immediately. If a majority of the votes are "No" this act shall have no further effect. The probate judge of Autauga County shall certify the result of the election to the Secretary of State.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:10 P.M.

Act No. 526

H. 1328—Manley, Pruitt

AN ACT

To amend Act No. 1590, S. 415, 1971 Regular Session (1971 Acts, p. 2717), which provides for establishing and enforcing rules and regulations for training, licensing and related requirements for ambulance operators, attendants, and drivers and rules and regulations for the operations, design, equipment and inspection and licensing of ambulances, and which prescribes penalties for violation of such rules and regulations and exempts certain volunteer rescue squads from the provisions of the Act, so as to provide that certain provisions of this Act shall not apply in Marengo and Sumter Counties and to grant the county governing bodies of such counties certain regulatory powers relative to ambulances, ambulance attendants and ambulance drivers, for such purposes amending the title and Section 6 of such Act.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 1590, S. 415, 1971 Regular Session (Acts 1971, p. 2717), is hereby amended to read as follows:

“An Act To designate the State Board of Health as the responsible agency and to authorize it to establish and enforce rules and regulations for training, licensing and related requirements for ambulance operators, attendants, and drivers; to establish and enforce rules and regulations for the operations, design, equipment and inspection and licensing of ambulances; and to establish requirements for the operation and coordination of ambulances; to provide for violation of rules and regulations established hereunder; to exempt certain volunteer rescue squads from the provisions of this Act; and to provide that certain provisions of this Act shall not apply to Marengo and Sumter Counties, but in lieu thereof the governing bodies of such counties may prescribe rules and regulations governing ambulances and ambulance attendants and ambulance drivers.”

Section 2. Section 6 of said Act No. 1590 of the Regular Session of 1971 is hereby amended to read as follows:

“Section 6. The provisions of this Act shall not apply to volunteer rescue squads that are members of ‘Alabama Association of Rescue Squads, Inc.’ and which furnish ambulance service to the public; nor shall the foregoing provisions of this Act apply to or govern ambulances owned by the county, a municipality or any other political subdivision of the state nor to the drivers of, or attendants on such ambulances in Marengo or Sumter Counties. The governing bodies of such counties are hereby authorized to prescribe rules and regulations governing ambulance drivers and ambulance attendants, including rules and regulations for their training and qualifications.”

Section 3. This Act shall become effective immediately

upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:10 P.M.

Act No. 527

H. 1330—Carter

AN ACT

Relating to counties having a population of not less than 39,500 nor more than 41,750 inhabitants according to the most recent federal decennial census; to authorize the county commission of such counties to expend county funds for certain public recreation programs for minors up to 19 years of age.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply to counties having a population of not less than 39,500 nor more than 41,750 inhabitants according to the most recent federal decennial census.

Section 2. The county commission of any county to which the provisions of this Act applies is hereby authorized and empowered to expend out of the county general fund such amounts as they deem necessary and wise, not to exceed \$10.00 per participant, to assist in summer time baseball for minors up to 19 years of age that is operated by anyone within the county.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:10 P.M.

Act No. 528

H. 1343—Fite, Grey (D)

AN ACT

To provide for and authorize the incorporation of a public corporation as a political subdivision of the State to be named Buttahatchee River Development Authority, for the development of the Buttahatchee River, its tributaries and watershed, for the purposes of navigation, water conservation and supply, flood control, irrigation, industrial development, public recreation and related purposes; to provide for the composition

of the board of directors of the Authority; to specify the powers and duties of the Authority and its board of directors; to authorize the Authority to investigate the resources of the Buttahatchee River watershed, to determine requirements for its full development and control, and to carry out a unified comprehensive program of resource development, together with other powers to effectuate the foregoing objective; to authorize the Authority to acquire land and interests in land by purchase, construction, lease, condemnation or otherwise, and to hold, manage and sell such land and interests therein; to make provisions respecting the establishment and revision of rates, fees and charges for services rendered by the Authority; to provide for the issuance by the Authority for any of its corporate purposes of interest-bearing revenue bonds and notes payable solely out of the revenues of the Authority or out of the revenues of any particular facilities and other property of the Authority, without regard to the specific facilities and other property with respect to which such bonds and notes may have been issued; to provide that such bonds and notes shall constitute negotiable instruments; to provide that such bonds and notes may be secured by a pledge of the revenues from which they are payable, by contracts binding the Authority for the proper application of its revenues and the proceeds of such bonds and notes and by a non-foreclosable mortgage or deed of trust or statutory mortgage lien on the facilities and other property out of the revenues from which such bonds and notes are payable, and to provide that bonds and notes of the Authority may be issued under a trust indenture; to provide for constructive notice of any such statutory mortgage lien; to authorize and make provisions respecting the assumption by the Authority of obligations respecting facilities and other property acquired by the Authority; to provide for the use of the proceeds of bonds and notes issued by the Authority; to provide for the refunding, by the issuance of bonds and notes of the Authority, of bonds and notes therefore issued or obligations theretofore assumed by it; to provide that bonds and notes issued and contracts entered into by the Authority pursuant to this Act shall not constitute or create a debt of the State or of any county, municipality or other political subdivision of the State; to authorize Marion and Lamar Counties and the municipalities located therein to contribute money to the Authority, without the necessity of an election and with or without consideration therefor; to exempt from all taxation in this State, the Authority, its property, corporate activities, income, revenues, bonds and notes, the income from its bonds and notes, and conveyances, leases and mortgages and deeds of trust to which the Authority is a party, and to exempt the Authority from payment of certain charges to Judges of Probate; to provide that the authority shall be exempted from regulation and supervision by the Public Service Commission and the State Department of Finance; to provide for the use of public roads in the State by the Authority; and to provide for certain annual reports by the Authority.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. The following words and phrases used in this Act, and others evidently intended as the equivalent thereof, shall, in the absence of clear implication herein otherwise, be given the following respective interpretations herein:

“Authority” means the public corporation organized pursuant to the provision of this Act.

“Board” means the board of directors of the Authority.

"Bonds" means and shall include bonds and notes.

"County" means a county in the state.

"Director" means a member of the board of directors of the Authority.

"Governing body" means the Court of County Commissioners, Board of Revenue, or other like governing body of a county.

"Municipality" means an incorporated city or town of the state.

"Person" unless limited to a natural person by the context in which it is used, includes a public or private corporation, a municipality, a county, or an agency, department or instrumentality of a county or municipality, of one or more of the several states, or of the United States of America.

"Property" means and includes real and personal property, and interests therein.

"State" in the absence of clear implication herein otherwise, means the State of Alabama.

"Watershed" means and includes all land in the counties of Marion and Lamar, lying within fifteen miles of the Buttahatchee River and any of its tributaries.

"Herein", "hereby", "hereunder", "hereof", and other equivalent words refer to this Act as an entirety and not solely to the particular section or portion thereof in which any such word is used.

The definitions set forth herein shall be deemed applicable whether the words defined are used in the singular or plural. Whenever used herein any pronoun or pronouns shall be deemed to include both singular and plural and to cover all genders.

Section 2. Purpose and Nature of the Authority. In the interest of the unified development of the Buttahatchee River and its tributaries and watershed, for the purposes of navigation, water conservation and supply, flood control, irrigation, industrial development, public recreation and related purposes, there is hereby authorized, and shall be established as hereinafter provided, development Authority for the Alabama portion of the Buttahatchee River watershed. The Authority, when incorporated in accordance herewith, shall be a public corporation and a political subdivision of the State of Alabama, composed of a board of directors selected and empowered as hereinafter provided.

Section 3. Number and Composition of the Board of Directors. The board of directors of the Authority shall consist of

eight members, designated herein as directors, as follows:

(a) The governing body of each of the counties of Marion and Lamar, shall appoint a director of the Authority who shall be a person residing in the county whose governing body make the appointment and who shall be active in municipal, industrial, agricultural, commercial, or citizen organizations engaged in promoting comprehensive and unified development of the resources of the Buttahatchee River watershed as a basis for its general economic growth. The terms of office of each director so appointed shall be six years, the term of the first directors so appointed to commence on the date on which there shall be filed with the Judge of Probate of Marion County the certificate of incorporation provided for in Section 4 hereof. The governing body of each of the above-named counties shall appoint successors to the first director so appointed by it, and any vacancy in the office of a director so appointed by it shall be filled by the same governing body by another appointment for the unexpired term.

(b) Each Governor of Alabama shall appoint a director from his cabinet or staff, to serve during the term of office of the Governor making the appointment. Any vacancy in the office of a director so appointed shall be filled by appointment by the same Governor for the unexpired term.

(c) The mayor or other chief executive officer of each of the municipalities of Hamilton, Sulligent, Detroit, Hackleburg and Guin and their successors, shall serve as directors during the respective term of office of such mayor or other chief executive officer.

Section 4. Procedure to Incorporate; Contents of Certificate of Incorporation. To become a corporation, the persons who are designated to become members of the initial board of directors of the Authority, as provided in section 3 of this Act, shall present to the Judge of Probate of Marion County, a certificate of incorporation signed by them which shall contain: (1) the name and official residence of each of the said persons; (2) the term of office of each of the said persons as such directors; (3) the name of the proposed corporation which shall be the Buttahatchee River Development Authority; (4) the location of the principal office of the proposed corporation which shall be in one of said named counties; and (5) any other matter relating to the incorporation that the said persons may choose to insert and which is not inconsistent with this Act or the laws of the State of Alabama. The certificate of incorporation shall be accompanied by: (i) a certificate by the clerk of each of the municipalities of Hamilton, Hackleburg, Guin, Sulligent and Detroit, which certificate shall identify the mayor or other chief executive officer of such municipality and shall set forth the date on which

the current term of office of the mayor or other chief executive officer will expire; (ii) a certificate by the clerk of each governing body of the counties of Marion and Lamar, which certificate shall set forth the date on which the term of office of each member of such governing body expires; (iii) a certified copy of a resolution adopted by each of the governing bodies of the counties of Marion and Lamar, appointing a director from such county; and (iv) a certified copy of an order of the Governor appointing a director. The signing of the certificate of incorporation by any person as mayor or other chief executive officer of one of the aforementioned municipalities shall be void unless, at the time of such signing and at the time the Authority comes into existence, the said person is the mayor or other chief executive officer of such municipality; the signing of the certificate of incorporation by any person appointed as a director by the governing body of any county shall be void unless, at the time the Authority comes into existence, at least two-thirds of the membership of such governing body is the same as the membership at the time of the adoption by such governing body of a resolution appointing such person as a director; the signing of the certificate of incorporation by any person as the director appointed by the Governor shall be void unless, at the time the Authority comes into existence, the same Governor is in office who appointed such person. The certificate of incorporation shall be subscribed and sworn to by each of the said persons before an officer authorized by the laws of this state to take acknowledgements to deeds. The said Judge of Probate shall examine the certificate of incorporation presented to him and, if he finds that it substantially complies with the requirements of this section, he shall receive and file it, and shall record it in an appropriate book of records in his office. When the certificate of incorporation has been made, presented, filed and recorded as herein provided, the said persons shall constitute a public corporation under the aforesaid name, and the Authority shall thereupon come into existence. There shall be no fees paid to the Judge of Probate for any work done in connection with the incorporation above provided for.

Section 5. Meetings of the Board of Directors. As soon as may be practicable after completion of the incorporation as provided in Section 3 and 4 hereof, the board of directors shall hold their first meeting at Hamilton, Alabama, elect a Chairman, Vice Chairman, and Secretary-Treasurer, set a regular time and place for meetings of the board, and attend to such other matters as may be appropriate. The Chairman and Vice Chairman shall be elected from the membership of the board; the Secretary-Treasurer may, but need not, be elected from the membership of the board.

Directors shall serve without compensation, except reimbursement for actual traveling expenses and other necessary expenses incurred in the performance of their official duties, such expenses to be reimbursed from such funds as may be available to the Authority.

The quorum necessary for the board of directors to hold valid meetings and to take valid action or transact business shall be seven members. Nothing herein shall be construed to authorize the acquisition by eminent domain of any real property or rights owned or controlled by railroads or utilities, both public or private.

Section 6. General Powers of the Authority. The general powers, duties, and functions of the Authority shall be as follows:

(a) General. The Authority:

(1) Shall have perpetual succession in its corporate name; (2) May sue and be sued in its corporate name; (3) May adopt, use, and alter a corporate seal, which shall be judicially noticed; (4) May enter into such contracts and cooperative agreements with Federal, State, and local governments, with agencies of such governments, and with private individuals, corporations, associations, and other organizations, including the Buttahatchee River Watershed Association, Inc., whether organized under the laws of Alabama or of another state, as the board may deem necessary or convenient to enable it to carry out the purposes of this Act, which authorization shall include without limitation contracts and cooperative arrangements with any of the several states, and with counties and municipalities in and agencies of such states; (5) May adopt, amend, and repeal by-laws; (6) May appoint managers, officers, employees, attorneys, and agents as the board deems necessary for the transaction of its business, fix their compensation, define their duties, and require bonds of such of them as the board may determine, the salaries of any such employee to be paid out of such funds as may be available to the Authority from any source.

The Authority may institute legal proceedings in any court of competent jurisdiction and proper venue; provided, that the Authority may not be sued or subjected to a counter-claim, cross-claim, set-off or recoupment in any court other than the courts of Marion County, Alabama; and provided, further, that the officers, directors, agents and employees of the Authority may not be sued or subjected to a counter-claim, cross-claim, set-off or recoupment for actions in behalf of the Authority in any court other than the courts of Marion County, Alabama; and provided, further, that no claim or cause of action, based wholly or in part upon allegations which call into question the va-

lidity of the Authority, shall be heard or adjudicated in any court other than the courts of Marion County, Alabama.

(b) Formulation and Execution of Development Plans. The Authority is authorized to:

(1) Investigate the resources of the Buttahatchee River watershed and determine the requirements for its full development and for control and development of its stream system as an integral part of the economy of the area; (2) Develop and carry out a unified, comprehensive program of resource development designed to encourage and assist the economic growth of the area, which program shall not be inconsistent with official programs for statewide economic development; (3) Provide for the construction of water control structures, channel improvements, and other facilities for navigation, drainage, irrigation, water conservation and supply, industrial development, recreation and related purposes, as a part of comprehensive plans; (4) Arrange with the state and with any city, county, municipality, or supplier of utilities, for the abandonment, relocation, or other adjustments of roads, highways, bridges, and utility lines; (5) In making investigations and in formulating and executing development plans, seek and utilize the assistance of appropriate federal, state and local agencies and of private citizens and citizen organizations and in aid of such activities, accept loans, grants, or other assistance from federal, state, and local governments or from agencies of such governments, and make contracts and execute instruments containing such terms, provisions, and conditions as the board in its discretion deems to be necessary, proper, or advisable for the purpose of obtaining such loans, grants, or other assistance.

(c) Land Acquisition. The Authority may acquire by purchase, construction, lease, gift, condemnation or otherwise, property of any kind, real, personal, or mixed, or any interest therein, that the board deems necessary or convenient to the exercise of its powers or functions; provided, that acquisition by condemnation shall be limited to lands rights in land, including leaseholds and easements, and water rights in the Buttahatchee River watershed that the board determines to be necessary to the control and optimum development of the Buttahatchee River and its tributaries, including such lands adjacent to or in the immediate vicinity of water control reservoirs as the board determines to be necessary to assure full development and optimum use of such reservoirs for the purposes of navigation, water conservation and supply, flood control, irrigation, industrial development, public recreation, and related purposes. The amount and character of the interest in land, rights in land, and water rights to be acquired

in such area shall be determined by the board of directors, and its determination shall be conclusive. The Authority's power of eminent domain may be exercised under Title 19 of the Code of Alabama, and any amendments thereto, or pursuant to any other general statutory provisions hereafter enacted for the exercise of the power of eminent domain. The Authority is expressly authorized to acquire by condemnation or otherwise and hold for resale or lease to private or other industrial organizations land or interests in land in the Alabama portion of the Buttahatchee River watershed that it determines to be suitable for industrial uses, and such acquisition is hereby declared to be for the public purpose of the state's industrial development and for the increase of industrial employment opportunities.

(d) Management and Operation. The Authority may:

(1) Enter into contracts with the United States, with the several states and with individuals, private corporations, associations, municipalities, and other public agencies, or political subdivisions of any kind, for the sale of water for municipal, domestic, agricultural or industrial use, or for the sale of any other services, facilities or commodities that the Authority may be in a position to supply; (2) Acquire and develop reservoirs and shoreline lands and provide for their operation for industrial, recreational, and other uses directly or by concessionaires, licensees, lessees, or vendees of shoreline lands; (3) Sell or lease shoreline lands, or any interest therein, in connection with development of the stream system, for uses consistent with the Authority's development plan and subject to such restrictions as the Authority deems necessary for reservoir protection and subject to such requirements as to character of improvements and activities and the time within which such improvements or activities shall be undertaken as the Authority deems appropriate to its overall development plan; (4) Acquire or operate shoreline lands of reservoirs owned by the United States of America, as the agent of the federal agency having custody and control thereof under appropriate agreements with such agencies; (5) Acquire, construct, or operate such other facilities or works of improvement as are necessary to effectuate plans for the comprehensive development of the area; (6) Make and enforce reasonable rules and regulations governing the use of any facilities and other property owned, controlled or operated by the Authority; (7) Provide for such insurance as the board may deem advisable; (8) To fix and revise from time to time reasonable rates, fees and other charges for the sale of water for municipal, domestic, agricultural or industrial use, or for the sale of any other services, facilities or commodities that the Authority may be in a position to supply.

(e) **Financing.** The Authority may:

(1) Sell and issue its bonds from time to time in order to provide funds for any corporate function, use, or purpose, all such bonds to be payable solely out of the revenues derived from the facilities and other property of the Authority or out of the revenues of any particular facilities and other property of the Authority; and (2) Secure such bonds by a pledge of all or any of the revenues which may now or hereafter come to the Authority from any source, by a mortgage or deed of trust covering the Authority's land or any part thereof, or under the provisions of a trust indenture, or by a combination of one or more thereof; provided, that all obligations created or assumed and all bonds issued by the Authority shall be solely and exclusively obligations of the Authority and shall not create an obligation or debt of the state or of any county or municipality.

Section 7. Rates and Charges. Rates, fees and charges for services rendered by the Authority from any of its facilities shall be fixed and from time to time revised by the Authority; provided, that such rates, fees, and charges shall be so fixed as at all times to provide funds at least sufficient (a) to pay the cost of operating, maintaining, repairing, replacing, extending and improving the facilities and other property from which such services are rendered; (b) to pay the principal of and the interest on all bonds issued and obligations assumed by the Authority, that are payable out of the revenues derived from the operation of these facilities, as the said principal and interest become due and payable; (c) to create and maintain such reserves for the foregoing purposes or any of them as may be provided in any mortgage and deed of trust or trust indenture executed by the Authority hereunder or in any resolutions of the board of directors authorizing the issuance of bonds, the assumption of any obligation, or the acquisition of any such facilities and other property, and (d) to make such annual payments, if any, to the United States of America or any agency or instrumentality thereof, the several states, municipalities, counties, departments, authorities, agencies and political subdivisions of the several states and any public corporations organized under the laws of the several states as the Authority may have contracted to make.

Any schedule or schedules of rates and other charges adopted by the board (i) may provide for the rendition by the Authority to customers served by it of combined statements or bills for service furnished from one or more of its facilities, (ii) may permit the Authority to decline to accept payment of charges for service from any of its said facilities, without payment of charges for service at the same premises

from any one or more of its other facilities, (iii) may provide for discontinuance of service from any or all of its facilities at any premises with respect to which there is a delinquency in the payment of charges for service from any part of the facilities of the Authority, and (iv) may provide for the payment of connection fees, disconnection fees, and reconnection fees, and (v) may require, as a prerequisite to the rendition of any service, the making of a deposit as security for payment of bills, on which deposit the Authority shall not be obligated to pay or allow interest.

Section 8. Bonds of the Authority. All bonds issued by the Authority shall be signed by the Chairman of its board of directors and attested by its Secretary-Treasurer, and the seal of the Authority shall be affixed thereto, and any interest coupons applicable to the bonds of the Authority shall be signed by the said Chairman; provided, that a facsimile of the signature of one, but not both, of said officers may be printed or otherwise reproduced on any such bonds in lieu of his manually signing the same, a facsimile of the seal of the Authority may be printed or otherwise reproduced on any such bonds in lieu of being manually affixed thereto, and a facsimile of the signature of the Chairman of its board of directors may be printed or otherwise reproduced on any such interest coupons in lieu of his manually signing the same. Any such bonds may be executed and delivered by the Authority at any time and from time to time, shall be in such form and denominations and of such tenor and maturities, shall contain such provisions not inconsistent with the provisions of this Act, and shall bear such rate or rates of interest, payable and evidenced in such manner, as may be provided by resolution of the board. Bonds of the Authority may be sold at either public or private sale in such manner and at such price or prices and at such time or times as may be determined by the board to be most advantageous. The principal of and interest on any bonds and other securities issued or obligations assumed by the Authority may thereafter at any time (whether before, at or after maturity of any such principal and whether at, after or not exceeding six months prior to the maturity of any such interest) and from time to time be refunded by the issuance of refunding bonds of the Authority, which may be sold by the Authority at public or private sale at such price or prices as may be determined by the board to be most advantageous, or which may be exchanged for the bonds or other obligations to be refunded. The Authority may pay all expenses, premiums and commissions which the board may deem necessary and advantageous in connection with any financing done by it. All bonds issued by the Authority shall be construed to be negotiable instru-

ments although payable solely from a specified source. All obligations created or assumed and all bonds issued by the Authority shall be solely and exclusively an obligation of the Authority and shall not create an obligation or debt of any county or municipality; provided, that the provisions of this sentence shall not be construed to release the original obligor from liability on any bond or other obligation assumed by the Authority. All bonds issued by the Authority shall be limited or special obligations of the Authority payable solely out of the revenues of the Authority specified in the proceedings authorizing those bonds. Any such proceedings may provide that the bonds therein authorized shall be payable solely out of the revenues derived from the operation of all facilities owned by the Authority, or solely out of the revenues from the operation of any part of such facilities, regardless of the fact that those bonds may have been issued with respect to or for the benefit of only certain particular facilities and other property of the Authority. The Authority may pledge for the payment of any of its bonds the revenues from which such bonds are payable, and may execute and deliver a trust indenture evidencing any such pledge or a mortgage and deed of trust conveying as security for such bonds the facilities and other property, or any part thereof, the revenues or any part of the revenues from which are so pledged. Any mortgage and deed of trust or trust indenture may by the Authority may contain such agreements as the board of directors may deem advisable respecting the operation and maintenance of the property and the use of the revenue subject to such mortgage and deed of trust or affected by such trust indenture, and respecting the rights, duties, and remedies of the parties to any such instrument and the parties for the benefit of whom such instrument is made; provided, that no such instrument shall be subject to foreclosure.

Section 9. Contracts to Secure Bonds and Assumed Obligations. As security for payment of the principal of and interest on bonds issued or obligations assumed by it, the Authority may enter into a contract or contracts binding itself for the proper application of the proceeds of bonds and other funds, for the continued operation and maintenance of any facilities owned by it, or any part or parts thereof, for the imposition and collection of reasonable rates for and the promulgation of reasonable regulations respecting any service furnished from such facilities, for the disposition and application of its gross revenues or any part thereof, and for any other act or series of acts not inconsistent with the provisions of this Act for the protection of the bonds and other obligations being secured and the assurance that the revenues from such facilities will be sufficient to operate such facilities, main-

tain the same in good repair and in good operating condition, pay the principal of and interest on any bonds payable from such revenues, and maintain such reserves as may be deemed appropriate for the protection of the bonds, the efficient operation of such facilities, and the making of replacements thereof and capital improvements thereto. Any contract pursuant to the provisions of this section may be set forth in any resolution of the board of directors authorizing the issuance of bonds or the assumption of obligations or in any mortgage and deed of trust or trust indenture made by the Authority hereunder.

Section 10. Statutory Mortgage Lien. Any resolution of the board of directors, or trust indenture, under which bonds may be issued pursuant to the provisions of this Act may contain provisions creating a statutory mortgage lien, in favor of the holders of such bonds and of the interest coupons applicable thereto, on the facilities and other property (including any after-acquired property) out of the revenues from which such bonds are made payable. The said resolution of the board of directors, or the said trust indenture, may provide for the filing for record in the office of the Judge of Probate of each county in which any part of such facilities or other property may be located of a notice containing a brief description of such facilities or other property, a brief description of such bonds, and a declaration that said statutory mortgage lien has been created for the benefit of the holders of such bonds and the interest coupons applicable thereto, upon such facilities and other property, including any additions thereto and extensions thereof. Each Judge of Probate shall receive, record and index any such notice filed for record in his office. The recording of such notice, as herein provided, shall operate as constructive notice of the contents thereof.

Section 11. Proceeds from Sale of Bonds. All moneys derived from the sale of any bonds issued by the Authority shall be used solely for the purpose or purposes for which the same are authorized and any costs and expenses incidental thereto. Such costs and expenses may include but shall not be limited to (1) the fiscal, engineering, legal and other expenses incurred in connection with the issuance of the bonds, (2) in the case of bonds issued to pay costs of construction, interest on such bonds (or, if a part only of any series of bonds is issued for construction purposes, interest on that portion of the bonds of that series that is issued to pay construction costs) prior to and during such construction and for not exceeding one year after completion of such construction, and (3) in the case of bonds issued for the purpose of refunding principal and interest, or either, with respect to bonds issued or obligations assumed by the Authority, any premium that it may be neces-

sary to pay in order to redeem or retire the bonds or other obligations to be refunded.

Section 12. Exemption from Taxation. The Authority, its income, the property of the Authority while owned by it, all bonds issued by the Authority, the income from such bonds, conveyances by or to the Authority, and leases, mortgages, and deeds of trust by or to the Authority shall be exempt from all taxation in the State of Alabama. The Authority shall not be obligated to pay or allow any fees, taxes or costs to the Judge of Probate of any county in respect of its incorporation, the amendment of its certificate of incorporation, or the recording of any document. No license or excise tax may be imposed on the Authority in respect of the privilege of engaging in any of the activities authorized by this Act.

Section 13. Monetary Contributions by Counties and Municipalities. Marion and Lamar Counties, and the municipalities named in section 3(c) hereof are each hereby authorized and empowered to contribute to the Authority any amount or amounts of money, either with or without consideration therefor, that their respective governing bodies, acting in their sole discretion without the necessity of authorization at any election of qualified electors, shall approve to be paid from the general fund of the respective county or municipality. Governing bodies of such counties or municipalities are hereby empowered to levy and collect ad valorem taxes within constitutional limits for such purposes, which are hereby declared to be for municipal and county public purposes.

Section 14. Freedom of Authority from Public Service Commission and Other State Supervision and Control. This Act is intended to aid the State of Alabama in the execution of its duties by providing an appropriate and independent political subdivision of the state with full and adequate powers to fulfill the functions herein authorized. Except as in this Act expressly otherwise provided, no proceeding, notice or approval shall be required for the incorporation of the Authority or the amendment of its certificate of incorporation, the acquisition of any mortgage and deed of trust, or trust indenture. The Authority, its facilities and other property, and the rates and charges thereof shall be exempt from all jurisdiction of, and all regulation and supervision by, the Public Service Commission. Neither a public hearing nor the consent of the State Department of Finance shall be prerequisite to the issuance of bonds by the Authority. Nothing herein shall be construed to repeal the requirement for obtaining the permit provided for in Section 130 of Title 22 of the Code of Alabama of 1940, as amended.

Section 15. Use of Public Roads. The Authority is hereby authorized to use the rights of way of all public roads in the state without securing the prior approval of the state or of its agencies or departments or the governing body of any county and subject only to the necessity of obtaining the municipal consent required by Section 220 of the Constitution of Alabama; provided, however, that nothing herein shall be construed to exempt the Authority from the requirements of Section 28 of Title 23 of the Code of Alabama of 1940, as amended; and provided, further, that the Authority shall have the duty to restore at its expense all roads, highways and public rights of way in which it may have made excavations or done other work in laying pipes or performing any of its other corporate functions.

Section 16. Annual Reports. The board of directors of the Authority shall report annually to the Governor of Alabama and shall likewise report annually to the governing bodies of Marion and Lamar Counties and the incorporated municipalities named in Section 3(c) hereof. Such reports shall include a statement of financial receipts and expenditures, and a summary of all activities and accomplishments for the period and proposed plans for the next year.

Section 17. Cooperation of State Agencies. All agencies of the State are hereby authorized and directed to extend their cooperation and lend assistance to the Authority in the formulation and implementation of its development program.

Section 18. Advisory Board. For the purpose of coordinating its activities with the needs and undertakings of other local organizations and groups, the board of directors may establish an advisory board consisting of the chairman of the board of directors of the Authority (who shall be chairman of the advisory board), and of sufficient members to represent adequately so far as feasible industry, commerce, agriculture, recreation, the general public, any official planning and developmental bodies in the area, and organized citizens groups working for the development of the Buttahatchee River watershed.

Section 19. Construction of Act. This Act shall be considered supplemental and additional to any and all other laws and confers sufficient power in and of itself for the purposes set forth herein. This Act shall be liberally construed to effectuate its purpose of facilitating the development of the resources of the Buttahatchee River watershed.

Section 20. Severance in Event of Partial Invalidity. If any provision of this Act or application thereof to any person or circumstances should be held invalid, such invalidity shall

not affect any other provisions or application of the Act which can be given without the invalid provisions or application, and to this end the provisions of this Act are declared to be severable.

Section 21. Enabling Legislation; When Effective. This Act is intended to implement the provisions of an amendment to the Constitution of Alabama, as proposed by the current session of the Legislature, relating to the subject expressed therein, and is enacted pursuant thereto. If the constitutional amendment is ratified, this Act shall thereupon become effective immediately; if the proposed amendment is not ratified, this Act shall have no effect.

Approved August 27, 1973.

Time: 5:10 P.M.

Act No. 529

H. 1348—Drake, McDonald, St. John

AN ACT

To amend further Section 3 of Act No. 18, H. 6, First Special Session 1955 (Acts 1955, p. 45), creating the Cullman County Commission on Education and establishing the office of superintendent of county schools, so as to provide further for the election and qualifications of said superintendent.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 18, H. 6, First Special Session 1955 (Acts 1955, p. 45), creating the Cullman County Commission on Education and establishing the office of superintendent of county schools, as amended, is further amended to read as follows:

“Section 3. A superintendent of county schools shall be elected by the qualified electors of Cullman County at the general election in November, 1958, and every four years thereafter until the year 1974. At the general election in the year 1974 and every four years thereafter a superintendent of county schools shall be elected by the qualified electors of the five districts established by Section 2 of this Act (as amended). The superintendent of county schools shall take office on the first day of July next succeeding his election. No person shall be eligible for appointment, for political party nomination, or for election to the office of superintendent of county schools who does not hold a Masters degree or equivalent, and does not submit proof to the State Superintendent of Education of at least six years of successful teaching experience preceding his appointment or election. His term of office shall be

for four years, and he shall be removed only by impeachment in the manner prescribed by law. He shall receive an annual salary and the necessary expenses of traveling in the performance of his official duties. His salary shall be fixed by the Cullman County Commission on Education, at a sum not less than seventy-five hundred dollars per annum. After the expiration of the term of office of the superintendent elected at the general election in 1974, the superintendent of county schools must be, at the time of his election or appointment and during his continuance in office, a qualified elector of one of the above mentioned five districts."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:15 P.M.

Act No. 530

H. 1360—Culver, Bank, Parker, Robertson

AN ACT

To create the office of license inspector in all counties having populations of not less than 115,000 and not more than 150,000, according to the most recent federal decennial census; to provide for the supervision of such office by the governing body of such counties; to authorize the governing body of such counties to provide for certain personnel and duties of such office and for salaries; to repeal Section 18 of Act No. 1292, H. 1795, Regular Session 1971, (Acts 1971, p. 2220).

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 115,000 and not more than 150,000, according to the most recent federal decennial census, there shall be an office of license inspector which shall be in lieu of any license inspector provided for by Section 835 of Title 51, Code of Alabama 1940, as amended.

Section 2. The governing body of such counties shall exercise general supervision of such office and shall have the authority to provide for any personnel, salaries, equipment, supplies, and other expenses necessary for the operation of such office.

Section 3. The office of license inspector shall consist of not less than one license inspector, who shall be an officer of the county and shall be appointed by the governing body of such counties, but such officer shall hold office subject to the provisions of the civil service or merit system of the county, and

such other personnel as may be authorized by the governing body of such counties.

Section 4. The license inspector shall perform all duties and shall have all authority as the license inspector created by Title 51, Section 835, Code of Alabama 1940, as amended. Such license inspector or any other personnel in the office of the license inspector shall be authorized to check beer, gasoline and any other taxes as may be authorized by the county governing body and shall also exercise such duties and authority to aid in the collection of taxes as may be provided by the governing body of such counties under Section 5 of this Act.

Section 5. The governing body of such counties shall have the authority, subject to the approval of the tax collector of such counties, to assign such other duties and authority to such license inspector or to any personnel in the office of the license inspector as may be necessary for the collection of taxes in such counties.

Section 6. In addition to any salary provided to the license inspector by the governing body of such counties, the license inspector shall also be entitled to receive all the fees, citation fees, costs, penalties, commissions and other charges now or hereafter authorized by law to be collected by license inspectors, and he shall also be entitled to receive all the fees, citation fees, costs, penalties, commissions and other charges now or hereafter authorized by law to be collected by license inspectors, and he shall also be entitled to receive the fifteen per cent penalty now required to be paid by delinquents on taking out licenses, and any other penalties that may hereafter be imposed upon the delinquent license taxpayers and all such monies collected shall be paid into the general fund of the county.

Section 7. Section 18 of Act No. 1292, H. 1795, Regular Session 1971 (Acts 1971, p. 2220), which relates to all counties with a population of not less than 115,000 nor more than 150,000 according to the most recent federal decennial census, and which provides for performance of the duties of the license inspector by the license commissioner of such counties, is hereby repealed, provided, however, that the person now serving as license inspector by virtue of such Act shall continue to serve as license inspector under this Act and under the merit or civil service system of such county.

Section 8. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 9. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:15 P.M.

Act No. 531

H. 1370—Edwards

AN ACT

Relating to Lowndes County, to provide that the sheriff shall be entitled to the allowances payable by the state for feeding prisoners; to provide that the provisions of this Act shall be retroactive to January 18, 1971.

Be It Enacted by the Legislature of Alabama:

Section 1. The sheriff of Lowndes County shall be entitled to keep and retain the allowances payable by the state for feeding prisoners.

Section 2. The provisions of this Act shall be retroactive to January 18, 1971, and all actions taken by the sheriff in accordance with the provisions of this Act are hereby validated and confirmed.

Approved August 27, 1973.

Time: 5:15 P.M.

Act No. 532

H. 1372—Wise, Jackson, Barkett

AN ACT

Relating to judicial procedure in the Thirty-Third Judicial Circuit; regulating and providing further for the separation of the jury by consent in capital or non-capital felony cases in such circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. If the accused and his counsel and also the prosecuting attorney in the Thirty-Third Judicial Circuit of Alabama, in any prosecution for a felony, whether capital or non-capital, consent thereto in open court, the trial court in its discretion may permit the jury trying the case to separate during pendency of the trial whether the jury has retired or not. A separation so permitted shall not create a presumption of prejudice to that accused but on the contrary it shall be *prima facie*

presumed that accused was not prejudiced by reason of the separation of the jury.

Section 2. It shall be improper for the trial court to ask the accused, counsel for the accused, or the prosecuting attorney in the hearing of the jury whether or not he or they will consent to a separation of the jury pending the trial. It shall be improper for the accused or counsel for the accused, or the prosecuting attorney to state to the trial court in the hearing of the jury that he or they consent to a separation of the jury pending the trial.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Time: 5:15 P.M.

Approved August 27, 1973.

AN ACT

Act No. 533

H. 1373—Wise, Jackson, Barkett

To allow prospective jurors to be excused without the presence of the defendant in the Thirty-Third Judicial Circuit of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. In all capital cases where trial by jury is held before the Circuit Court in the Thirty-Third Judicial Circuit of Alabama, the judge presiding over the empanelment of the jury venire in said capital case is authorized to excuse any prospective juror outside the presence of the defendant at any time and place provided said juror has a legal excuse for being excused and it shall be within the discretion of the judge to determine whether said prospective juror's excuse is legal; provided that in no case shall there be a smaller number of jurors to select from in said capital case than provided by statutes now or hereafter in force and effect.

Section 2. The provisions of the Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This act shall become effective immediately upon its approval by the Governor or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:15 P.M.

Act No. 534

H. 1374—Wise, Jackson, Barkett

AN ACT

To abolish the drawing of special venires in capital cases in the Thirty-Third Judicial Circuit of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. No special venire shall be ordered or drawn for the trial or trials of a defendant or defendants in capital felonies in the Circuit Court of the Thirty-Third Judicial Circuit of Alabama, but a defendant or defendants in capital felony cases shall be entitled to strike from a list of not less than thirty competent jurors obtained from the regular juries in the Court.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its approval by the Governor or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:15 P.M.

Act No. 535

H. 1377—Hill, Flipppo

AN ACT

Relating to the eleventh judicial circuit; providing for the annual compensation of the chief deputy district attorney of such circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. The chief deputy district attorney of the eleventh judicial circuit shall receive an annual compensation of sixteen thousand two hundred dollars (\$16,200), payable in equal

monthly installments from the general fund of the county composing such circuit.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:15 P.M.

Act No. 536

H. 1379—Hill, Flipppo

AN ACT

Relating to the eleventh judicial circuit; providing an expense allowance for all judges of such circuit; providing for a county salary supplement for such judges at the beginning of their next term of office.

Be It Enacted by the Legislature of Alabama:

Section 1. All judges of the eleventh judicial circuit shall hereinafter receive an annual expense allowance of fifteen hundred dollars (\$1500), to be payable in equal monthly installments, and to be used in carrying out the duties of the position.

Section 2. Effective at the beginning of the next term of office of said circuit judges, that portion of Act No. 1236, H. 1527, Regular Session (Acts 1969, p. 2333), pertaining to the salary of such judges shall be expressly repealed. In lieu of the provisions of the above mentioned Act and of the annual expense allowance provided in Section 1 of this Act, such judges shall at that time receive, in addition to such compensation as is provided by the state, a supplement from the county in which the circuit sits equal to twenty-five per cent (25%) of the total compensation provided by the state.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:15 P.M.

Act No. 537

H. 1393—Agee, McCorquodale

AN ACT

To provide that the county governing body, the governing body of

any municipality, and the governing body of any hospital in all counties having populations of not less than 16,000 nor more than 16,250 according to the most recent federal decennial census; wherein there is no established emergency ambulance service shall be authorized and empowered to execute contracts with ambulance services in any adjacent counties to provide for ambulance service to such counties, the municipalities and hospitals thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. The county governing body, the governing body of any municipality, and the governing body of any hospital of all counties having populations of not less than 16,000 nor more than 16,250 according to the most recent federal decennial census, and wherein there is no established emergency ambulance service, in order to promote the health, welfare, and safety of the residents of such counties, are authorized and empowered to execute any contract with the ambulance service of any adjacent county or the ambulance service in any municipality in any adjacent county which is necessary to provide ambulance service to such counties, municipalities, or hospitals. Such governing bodies are authorized and empowered to expend such funds as are necessary to execute such contracts.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:15 P.M.

Act No. 538

H. 1397—Coshatt, Reid (R)

AN ACT

To provide for an expense allowance to be paid the circuit judge and district attorney of the thirtieth judicial circuit; to provide for payment of such expense allowance by the counties comprising such circuit, and to provide that the provisions of this act shall become effective July 1, 1973.

Be It Enacted by the Legislature of Alabama:

Section 1. The circuit judge and district attorney of the thirtieth judicial circuit shall receive an expense allowance equal to thirty-six percent of the salary each receives from the state; provided that such expense allowance is computed on the salaries presently being paid to the herein designated officials. In the event the salary paid by the State to said

officials is increased, the expense supplement herein authorized shall be decreased accordingly so that the combined sum of the salary paid by the State and the herein authorized supplement shall not exceed \$25,000 per annum to the circuit judge and \$24,000 to the district attorney. Such expense allowances shall be paid in equal amounts by the counties comprising the thirtieth judicial circuit and shall be in addition to any other expense allowances provided the circuit judge and district attorney of the thirtieth judicial circuit.

Section 2. The provisions of this act shall become effective on July 1, 1973.

Approved August 27, 1973.

Time: 5:15 P.M.

Act No. 539

H. 1408—Drake, McDonald, St. John

AN ACT

To provide that the governing body of Cullman County shall be responsible for causing the garbage to be collected and removed from all schools under the jurisdiction of the Cullman County Commission on Education, and shall provide all funds necessary to pay the costs of such garbage collection.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of Cullman County shall be responsible for causing garbage to be collected and moved from all schools under the jurisdiction of the Cullman County Commission on Education.

Section 2. The governing body of Cullman County shall provide any and all funds necessary to pay the cost of collection and removal of all garbage from all schools under the jurisdiction of the Cullman County Commission on Education.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:15 P.M.

Act No. 540

H. 1411—Carnes, Waldrop, Wynot

AN ACT

Relating to all counties having a population of not less than 90,000

nor more than 100,000; providing that the chairman of the county commission may under certain circumstances expend monies from the county general fund.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only in counties having a population of not less than 90,000 nor more than 100,000, according to the most recent federal decennial census.

Section 2. In such counties, the chairman of the county commission is hereby authorized and empowered to expend, or authorize the expenditure of, amounts of money up to \$1000.00 out of the general fund of the county in the following instances: (a) When an emergency condition necessitates immediate action involving the expenditure of county funds; (b) When the county has a moral obligation to redress an individual for damages sustained through the negligence or other fault of the county, but the claimant has no legal right to recovery because of immunity of the county to suit (in which case the judgment of the commission is final as to whether or not there exists a moral obligation); (c) For actual expenses incurred for meals, travel and entertainment of persons for the purpose of developing and promoting the resources of the county and for the purpose of soliciting the location of agricultural, industrial and manufacturing plants, factories and other industries; (d) When an expenditure is neither expressly prohibited nor permitted by statute but is clearly in the best interest of the county; in which instances the chairman shall by affidavit, and in addition to the other requirements of this act, state that such expenditure is clearly in the best interest of the county.

Section 3. The chairman of the county commission, when authorizing an expenditure pursuant to this act, shall make an affidavit setting out the purpose of said expenditure, and records of money expended pursuant to this act shall be subject to examination by officials of the State Bureau of Examiners of Public accounts in the same manner as records of other expenditures of funds.

Section 4. All laws or parts of laws which conflict with this act are repealed.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:15 P.M.

Act No. 541

H. 1421—Bassett, Hardin

AN ACT

Relating to Pike County authorizing the county governing body to make an appropriation from the county gasoline tax fund for the relief of the City of Ozark, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The court of county commissioners of Pike County is hereby authorized and empowered to appropriate from the gasoline tax funds of said county a sum not exceeding \$1,800.00 to the use and benefit of the City of Ozark, Alabama, to compensate it for damages sustained as a result of damage to its automobile caused by a collision with a truck owned and being operated by Pike County. The Legislature finds and declares that the claim of the said City of Ozark arose under such circumstances that the county is justly and equitably obligated to compensate the said claimant, but it has no legal recourse to recover its damages from the county.

Section 2. This act shall become effective immediately upon its passage and approval by the governor, or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:15 P.M.

Act No. 542

H. 1422—Bassett, Hardin

AN ACT

Relating to Pike County, to provide that the sheriff shall be entitled to the allowances payable by the state for feeding prisoners; to provide that the provisions of this Act shall be retroactive to January 18, 1971.

Be It Enacted by the Legislature of Alabama:

Section 1. The sheriff of Pike County shall be entitled to keep and retain the allowances payable by the state for feeding prisoners.

Section 2. The provisions of this Act shall be retroactive to January 18, 1971, and all actions taken by the sheriff in accordance with the provisions of this Act are hereby validated and confirmed.

Approved August 27, 1973.

Time: 5:15 P.M.

Act No. 543

H. 1423—Bassett, Hardin

AN ACT

Relating to Pike County; authorizing the county governing body to make an appropriation from the county gasoline tax fund for the relief of Troy Hospital Board, doing business as Edge Memorial Hospital.

Be It Enacted by the Legislature of Alabama:

Section 1. The Court of County Commissioners of Pike County is hereby authorized and empowered to appropriate from the gasoline tax funds of said county a sum not exceeding \$1,642.15 to the use and benefit of Troy Hospital Board, doing business as Edge Memorial Hospital, to compensate it for hospitalization and medical services rendered by it to James Smoots, a temporary employee of Pike County who, because of the temporary nature of his employment, was not covered by the county's group insurance plan, for treatment of injuries received by him in the course of his employment by Pike County. The Legislature finds and declares that the claim of said Troy Hospital Board, doing business as Edge Memorial Hospital, arose under such circumstances that the county is justly and equitably obligated to compensate the said claimant, but it has no legal recourse to recover its damages from the county.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:15 P.M.

Act No. 544

H. 1424—Burgess, Stewart, Merrill

AN ACT

To authorize the City of Jacksonville in Calhoun County to establish, maintain and operate a non-profit ambulance service.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of the city of Jacksonville is hereby authorized to establish, maintain and operate an ambulance service to promote the health, welfare and safety of residents of said city, and of the county in which said city is located, and of areas in general proximity thereto and to other persons traveling within said city, the county and areas of general proximity. Toward this end said city may appropriate public funds, employ such personnel and purchase and

maintain such equipment and other facilities as may be necessary for such purpose.

Section 2. The governing body of the city of Jacksonville shall provide rules and regulations for the operation of such ambulance service which shall include when necessary or advisable, the transportation of ill or injured persons to or from hospitals in metropolitan areas of this state, and may authorize the service to charge and collect fees for services rendered. Provided, that such charges shall be based solely on the cost of operating the service, which shall not be operated for profit.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:15 P.M.

Act No. 545

H. 1434—Kinsey, Benton

AN ACT

Regulating further the compensation and meeting places of members of boards of registrars in counties having populations of not less than 57,000 nor more than 61,000 inhabitants according to the most recent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. The members of the boards of registrars of counties having populations of not less than 57,000 nor more than 61,000 inhabitants according to the most recent federal decennial census, shall receive, in addition to any compensation now payable, the sum of five dollars per day to be paid by the county on order of the probate judge for each day's attendance of the registrar upon the session of the board. The per diem provided herein shall be payable from the general funds of the county and shall be in addition to the compensation of registrars payable by the state as prescribed in Code of Alabama 1940, Title 17, Section 24 and Act No. 531, S. 101, Regular Session 1947 (Acts 1947, p. 388), as amended.

Section 2. The members of such boards shall meet anywhere within the county upon the choice of the chairman of such boards.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:15 P.M.

Act No. 546

H. 1442—Timmons, Adwell

AN ACT

To provide for the payment to county boards of health in counties having a population of more than 500,000 out of ad valorem tax proceeds collected by or on behalf of municipalities in said counties amounts equal to not less than \$3.00 per person residing in municipalities having a population of more than 5,000 and not less than \$1.50 per person residing in municipalities having a population of less than 5,000.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply to every county of the State of Alabama having a population of more than 500,000 according to the last or any subsequent federal census, and to no other county.

Section 2. The following words and phrases and others evidently intended as the equivalent thereof shall, in the absence of clear implication herein otherwise, be given the following respective interpretations herein.

"Board Treasurer" means the treasurer or other official custodian of funds of a County Board of Health.

"County" means any county in the State of Alabama having a population of more than 500,000 according to the last or any subsequent federal census.

"County Board of Health" means the county board of health in a County, as provided for in Section 4 of Title 22 of the Code of Alabama of 1940, as amended, or such public corporation, committee, organization, or entity as may succeed to the

functions of said county board of health pursuant to statutes hereafter enacted by the Legislature of Alabama.

"Tax Collector" means the tax collector of the County or such other person or officer charged with the duty of collecting ad valorem taxes assessed and levied by or on behalf of a municipality in the County.

Section 3. In order further to provide for the financing of county boards of health in counties in the State of Alabama having populations in excess of 500,000, and subject to the provision of Section 4 hereof, there is hereby appropriated, allocated and otherwise ordered and directed to be set aside and paid over annually to the County Board of Health out of the ad valorem taxes collected by the Tax Collector for the several municipalities located wholly or partially in the County, the following:

- (a) For each municipality having a population of more than 5,000 according to the last federal census, an amount equal to \$3.00 times the population of each said municipality according to the last federal census; and
- (b) For each municipality having a population of 5,000 or less an amount equal to \$1.50 times the population of each said municipality according to the last federal census.

In the case of any municipality located partially within and partially without the boundaries of the County, the amounts provided herein to be paid over to the County Board of Health shall be calculated on the basis of the number of persons who are residents of that portion of the municipality that is within the boundaries of the County.

Section 4. The amounts required by the provisions of Section 3 hereof to be paid to the County Board of Health shall be paid to the Board Treasurer annually and not more than thirty days after December 31 of each year by the County Tax Collector out of ad valorem tax receipts collected by the County Tax Collector for the respective municipalities in the County; provided however, that the County Tax Collector shall not pay over to the County Board of Health any ad valorem tax receipts the payment of which to the County Board of Health would impair the obligation of contracts entered into by any municipality prior to July 15, 1973, or any ad valorem tax receipts from levies made for a specific purpose as authorized by the provisions of any section of the Constitution of Alabama 1901 or any amendment thereto.

Section 5. If the Tax Collector does not have any ad valorem taxes due any municipality or the ad valorem taxes

due any municipality is insufficient to pay the amounts due under the formula set out in Section 3, then the balance due under the said formula shall be a priority claim (subject, however, to any claims having priority under or pursuant to any provision of the Alabama or United States Constitution), against any and all other funds of any such municipality and shall be paid by such municipality directly to the Board Treasurer.

Section 6. The provisions of this Act are hereby declared to be severable, and should any provision of this Act be held invalid, the invalidity thereof shall not affect the remaining provisions of the Act.

Section 7. All laws and parts of law, whether general, special or local, in conflict with the provisions of this Act are hereby repealed to the extent of such conflict.

Section 8. This Act shall become effective upon its approval by the Governor or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:15 P.M.

Act No. 547

H. 1444—May

AN ACT

Relating to counties having a population of not less than 34,875 nor more than 36,000 inhabitants according to the most recent federal decennial census; to provide that the sheriff shall be entitled to the allowances payable by the state for feeding prisoners; to provide that the provisions of this Act shall be retroactive to January 18, 1971.

Be It Enacted by the Legislature of Alabama:

Section 1. In counties having a population of not less than 34,875 nor more than 36,000 inhabitants according to the most recent federal decennial census, the sheriff shall be entitled to keep and retain the allowances payable by the state for feeding prisoners.

Section 2. The provisions of this Act shall be retroactive to January 18, 1971, and all actions taken by the sheriff in accordance with the provisions of this Act are hereby validated and confirmed.

Approved August 27, 1973.

Time: 5:15 P.M.

Act No. 548

H. 1446—Barkett

AN ACT

Relating to counties having a population of not less than 52,500 nor more than 54,000 inhabitants according to the most recent federal decennial census; to provide that the sheriff shall be entitled to the allowances payable by the state for feeding prisoners; to provide that the provisions of this Act shall be retroactive to January 18, 1971.

Be It Enacted by the Legislature of Alabama:

Section 1. In counties having a population of not less than 52,500 nor more than 54,000 inhabitants according to the most recent federal decennial census, the sheriff shall be entitled to keep and retain the allowances payable by the state, counties or municipalities for feeding prisoners.

Section 2. The provisions of this Act shall be retroactive to January 18, 1971, and all actions taken by the sheriff in accordance with the provisions of this Act are hereby validated and confirmed.

Approved August 27, 1973.

Time: 5:15 P.M.

Act No. 549

H. 1451—Gray (F), Reed (T)

AN ACT

To amend Section 1, Act No. 811, H. 1042, Regular Session 1969 (Acts 1969, p. 1463), which Act regulates the salary of the jailer in Macon County, so as to increase such salary.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 811, H. 1042, Regular Session 1969 (Acts 1969, p. 1463), is hereby amended to read as follows:

“Section 1. The jailer appointed by the sheriff of Macon County shall receive a salary not to exceed \$400 per month. Such salary shall be fixed by the court of county commissioners or other like governing body of the county and shall be payable in equal installments out of the general funds of the county.”

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately

upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:20 P.M.

Act No. 550

H. 1453—Gray (F), Reed (T)

AN ACT

To further amend Section 10, Act No. 334, Regular Session 1939 (Local Acts 1939, p. 225), which Act created and established the board of revenue of Macon County, so as to increase the salary of the members.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 10 of Act No. 334, H. 826, Regular Session 1939 (Local Acts 1939, p. 225), an act which created and established the board of revenue of Macon County, is further amended to read as follows:

“Section 10. The members of the Macon County Commission, including the Chairman, shall each be entitled to receive a monthly salary of Five Hundred Dollars (\$500) for the performance of their duties, to be paid out of the county treasury on the certificate or warrant of the Chairman. In addition, each member shall be entitled to ten cents (10¢) per mile for each mile traveled on official business, but the total mileage allowance claimed by or paid to any member for any calendar month shall not exceed Two Hundred Dollars (\$200); except that when authorized by the Commission, the members shall in addition be entitled to a mileage allowance of ten cents (10¢) per mile for attending any state or national convention of the Association of County Commissioners of Alabama, or the National Association of Counties, or their successor organizations.”

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:20 P.M.

AN ACT

To alter and re-arrange the boundary lines of the Town of Helena, Alabama, so as to include within the corporate limits of said town, all territory now within such corporate limits and also certain other territory in Shelby County, Alabama, contiguous to said town.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the Town of Helena, in the County of Shelby, State of Alabama are hereby altered and extended so that said boundaries shall include within the corporate limits of said Town all of the following described additional property not presently located in said Town, to-wit:

All of Section 3 east and south east of the Cahaba River; all of section 4 south east of the Cahaba River, all of section 10 not in the present Town limits; that portion of section 11 within the following described boundaries: beginning at the southeast corner of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said section 11 and running north to a point of 249.34 feet north from the SE corner of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$; thence turn an angle of 64 degrees 51' to the left and run a distance of 867.62 feet to a point; thence turn an angle of 90 degrees 00' to the right and run a distance of 1847.59 feet to a point; thence turn an angle of 25 degrees and 09' to the left and run a distance of 371.00 feet to the northwest corner of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said section 11; thence turn an angle of 62 degrees 51' 45" to the right and run a distance of 533.17 feet to a point on the West right of way of Shelby County Highway 105; thence run in a Northwesterly direction along said right of way line to a point on the west right of way line of Alabama State Highway 261 at the point of intersection of Shelby County Highway 105 and Alabama State Highway 261 in section 2; thence turn right and run in a northeasterly direction along the west right of way line of Alabama State Highway 261 to a point where Alabama State Highway 261 and Aaron Road intersect; thence turn left and run west along the $\frac{1}{2}$ section line of the north $\frac{1}{2}$ of the N $\frac{1}{2}$ of section 2 to the west section line of said section 2. all of sections 9, 17, and that portion of 16 not within the present Town limits; all of section 20 except the following described partial of land: NW $\frac{1}{4}$ of NW $\frac{1}{4}$ beg SW cor Nly 942.31 ft; 139 deg 40' right SEly 43.34 ft; 20 deg 41' right SEly 101.21 ft; 13 deg 10' left SEly 137.51 ft; 19 deg 1' left SEly 130.91 ft; 16 deg 30' right Sely 40.18 ft; 30 deg right SEly 222.51 ft; 23 deg 38' right SWly 117.91 ft; 29 deg right SWly 225.45 ft; 10 deg left SWly 110.15 ft; 30 deg 40' left SWly 11.09 ft; 84 deg 24' right Wly 13 ft to beg 20 20 3W Part of W $\frac{1}{2}$ of NW $\frac{1}{4}$ beg at NW cor of said Sec; S along W line 284 ft to CL Cahaba River and pt of beg; cont 1524.65 ft to CL Helena-

Bessemer paved rd; 140 deg 12' left along a straight line being CL 236.52 ft to pt of beg of arc of a curve turning right & having a tangent of 182.98 ft said straight line being tangent to said arc, said arc being subtended by a central angle of 28 deg 22' NEly along CL along said arc 358.50 ft to pt of beg of a straight line being tangent to said arc; along said straight line 107.03 ft to pt of beg of arc of curve to right having tangent of 149.03 ft; said straight line being tangent to said arc, said arc being subtended by a central angle of 7 deg 25'; thence along said CL, along said arc 297.64 ft to pt of beg of a straight line being tangent to said arc; along straight line 278.45 ft to pt of beg of arc of a curve turning left & having tangent of 77.23 ft, said straight line being tangent to said arc, said arc being subtended by a central angle of 2 deg 04' along said CL, along said arc 154.44 ft to a pt in CL of said rd; 89 deg 48' left from long chord of last mentioned curve 1062.19 ft to a pt on N line of said Sec, said pt being 350 ft W of NE cor of NW $\frac{1}{4}$ of said Sec. 74 deg 00' left along sec line Wly 764 ft; S & W to beg.

All of section 21 not within the present Town limits; all of section 29 and that portion of section 28 not in present Town limits; all of the North $\frac{1}{2}$ of section 33 west of Shelby County Highway 17, plus that portion of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said section 33 lying East of Shelby County Highway 17; the north $\frac{1}{2}$ of the NW $\frac{1}{4}$ of section 34; all of section 27 not within the present Town limits except the East $\frac{1}{2}$ of the SE $\frac{1}{4}$ of said section 27, and the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of section 26.

All of the parcels described herein are located in Township 20 South, Range 3 West.

Section 2. The Northeast quarter of the Southwest quarter and the West one-half of the Southeast quarter (NE $\frac{1}{4}$ of SW $\frac{1}{4}$ and W $\frac{1}{2}$ of SE $\frac{1}{4}$) Section 27, Township 20 South, Range 3 West, Shelby County, Alabama.

Section 3. The provisions of this act shall become effective immediately upon the signature of the Governor or its otherwise becoming law.

Approved August 27, 1973

Time: 5:20 P.M.

Act No. 552

H. 1477—Stubbs

AN ACT

To alter, re-arrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein.

Be It Enacted by the Legislature of Alabama:

Section 1. To alter, re-arrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein, to-wit:

All of Section 2 and Section 11, Township 20 South, Range 3 West, lying east and southeast of the following described line: Begin at the Southwest corner of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 11 and run North to a point 249.34 feet North from the Southwest corner of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$; thence turn an angle left to 64 deg. and 51 min. and run a distance of 867.62 feet to a point; thence turn an angle right of 90 deg. 00 min. and run a distance of 1847.59 feet to a point; thence turn an angle left of 25 deg. 09 min. and run a distance of 371.0 feet to the Northwest corner of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 11; thence turn an angle right of 62 deg. 51 min. 45 sec. and run a distance of 533.17 feet to a point on the West right of way line of Shelby County Highway No. 105; thence run in a Northwesterly direction along said right of way to its projected intersection with the Westerly right of way line of Alabama State Highway No. 261, thence turn right and run Northeasterly along said Northwesterly right of way line of Highway No. 261 to its intersection with the South boundary of the North $\frac{1}{2}$ of the NE $\frac{1}{4}$ of said Section 2.

ALSO, the North $\frac{1}{2}$ of the NE $\frac{1}{4}$ of said Section 2, Township 20 South, Range 3 West.

All of lots 3, 4, 5, 6, 7, 8, 9, and 10 of Valley Dale Estates, recorded in Map Book 4, page 90, in the Probate Records of Shelby County, Alabama.

All of Section 36, Township 19 South, Range 3 West, lying Southeast of Alabama State Highway No. 261 which is not presently within the City limits of The City of Pelham, Alabama.

All of Section 25, Township 19 South, Range 3 West, lying Southeast of Alabama Highway No. 261.

All of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 30, Township 19 South, Range 2 West, lying Southeast of Shelby County Highway No. 17.

That part of Section 31, Township 19 South, Range 2 West, lying West and South of the following described line: Begin at the Northeast corner of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 31; thence run South along the center of the NW $\frac{1}{4}$ and the SW $\frac{1}{4}$ of Section 31 to its intersection with the easterly right of way line of U.S. Highway No. 31; thence run Southerly along said east Right of way line to its intersection with the South right of

way line of Alabama Highway No. 119 (Cahaba Valley Road); thence run east along a line parallel to the South boundary of said Section 31 to a point on the east boundary of Section 31; thence run South along said East boundary to the Southeast corner of said Section 31;

All of Section 6, Township 20 South, Range 2 West, not presently within the City Limits of the City of Pelham, Alabama, Except that part lying within Oak Mountain State Park;

All of Section 7, Township 20 South, Range 2 West, except that part lying within Oak Mountain State Park;

All of Section 8, Township 20 South, Range 2 West, except that part lying within Oak Mountain State Park;

All of Section 18, Township 20 South, Range 2 West, not presently within the City Limits of the City of Pelham, Alabama;

All of Section 17, Township 20 South, Range 2 West, not presently within the City Limits of the City of Pelham, Alabama, Except that part lying within Oak Mountain State Park;

All of Section 19, Township 20 South, Range 2 West, not presently within the City Limits of the City of Pelham, Alabama.

That part of Section 20, Township 20 South, Range 2 West, not presently within the City Limits of the City of Pelham, Alabama, lying Northwest of the Seaboard Coast Line Railroad;

That part of Section 21, Township 20 South, Range 2 West, lying Northwest of the Seaboard Coast Line Railroad;

That part of Section 30, Township 20 South, Range 2 West, lying North and Northwest of the Seaboard Coast Line Railroad;

That part of Section 29, Township 20 South, Range 2 West, lying Northwest of the Seaboard Coast Line Railroad;

That part of Section 25, Township 20 South, Range 3 West, not presently within the City Limits of the City of Pelham, Alabama, lying Northeast of the Seaboard Coast Line Railroad;

All in Shelby County, Alabama.

SECTION 2: The substantive provisions of this Act shall become operative only if the Act is approved by the qualified electors who reside within that part of the territory hereinabove described which is not presently included within the corporate limits of the City of Pelham, voting in a referendum election to be held on a day designated by the Probate Judge of Shelby County, not less than twenty nor more than forty days from the date of this enactment. The notice of the election shall be held, conducted and the results thereof canvassed in the manner

prescribed by Article 2 of Chapter 5 of Title 37, Code of Alabama, 1940, as recompiled, for giving notice of and conducting elections on the question of annexing territory to cities of twenty-five thousand or more inhabitants insofar as such provisions of said article may be appropriate; provided, however, no municipal resolution of the municipal governing body need be made or filed with the Probate Judge, nor need a plat of map of the territory to be annexed be filed with the Probate Judge. The question shall be on the adoption of Act No. _____ of the 1973 Regular Session of the Legislature, which alters, rearranges and extends the corporate limits of the City of Pelham, in Shelby County, Alabama. Each voter may furnish his own ballot, and if he desires to vote for the adoption of said Act there shall be written or printed on such ballot the word "Yes". If he desires to vote against the adoption of such Act the word "No" shall be written or printed on his ballot. The City of Pelham shall pay all costs and expenses incident to the election.

If a majority of the votes cast in the election are "Yes", the provisions of this Act shall become operative immediately. If the majority are "No", this Act shall have no further effect.

Approved August 27, 1973

Time: 5:20 P.M.

Act No. 553

H. 1478—Stubbs

AN ACT

To alter, re-arrange and extend the boundaries and corporate limits of the City of Alabaster so as to incorporate certain territory as described herein.

Be It Enacted by the Legislature of Alabama:

Section 1. To alter, re-arrange and extend the boundaries and corporate limits of the City of Alabaster, so as to incorporate certain territory as described herein, to-wit:

Begin at the Southwest corner of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 31, Township 20 South, Range 2 West, Shelby County, Alabama; thence run in an Easterly direction along the South line of said $\frac{1}{4}$ - $\frac{1}{4}$ to the Southeast corner of said $\frac{1}{4}$ - $\frac{1}{4}$; thence run in a Northerly direction one-half mile more or less to the Southwest corner of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 31; thence run in an Easterly direction one-half mile more or less to the Southeast corner of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 31; thence run one half mile more or less to the Northeast corner of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section

31; thence continue in a Northerly direction along the East line of the Southwest Quarter of the Southeast Quarter of Section 30, Township 20 South, Range 2 West and continuing in a Northerly direction along the East line of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 30 and continuing in a Northerly direction along the East line of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 30 to its intersection with the center line of the Atlantic Coast Line Railroad; thence run in a Southwesterly and Northwesterly direction along the Center line of Atlantic Coast Line Railroad for a distance of 5,800 feet more or less to its intersection with the North line of the SE $\frac{1}{4}$ of Section 25, Township 20 South, Range 2 West; thence run in a Westerly direction along the North line of the SE $\frac{1}{4}$ of Section 25, Township 20 South, Range 2 West to the Northwest corner of said SE $\frac{1}{4}$; thence run in a Southerly direction along the West line of said SE $\frac{1}{4}$ one-half mile more or less to the Southwest corner of said SE $\frac{1}{4}$ of Section 25; thence run in a Westerly direction along the North line of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 36, Township 20 South, Range 3 West 660 feet more or less to its intersection with the North-South center line of said $\frac{1}{4}$ - $\frac{1}{4}$; thence run in a Southerly direction along the North-South center line of said $\frac{1}{4}$ - $\frac{1}{4}$ to its intersection with the South line of said $\frac{1}{4}$ - $\frac{1}{4}$; thence run in a Westerly direction along the South line of said $\frac{1}{4}$ - $\frac{1}{4}$ a distance of 660 feet more or less to the Northwest corner of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 36; thence run in a Southerly direction along the North-South center line of the NW $\frac{1}{4}$ and continuing along the North-South center line of the SW $\frac{1}{4}$ of said Section 36 three fourths of one mile more or less to the Southwest corner of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 36; thence continue in a Southerly direction along the North-South center line of the NW $\frac{1}{4}$ of Section 1, Township 21 South, Range 3 West one-half mile more or less to the Northwest corner of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 1; thence continue in a Southerly direction along the West line of said $\frac{1}{4}$ - $\frac{1}{4}$ a distance of 660 feet more or less to the East-West center line of the said NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 1; thence run in an Easterly direction along the East-West center line of said Section 1, said line also being the existing City Limit line of Alabaster a distance of 1,200 feet more or less to its intersection with the center line of Interstate Highway I-65; thence run in a Southwesterly and Southerly direction along the center line of said Interstate Highway I-65 to its intersection with the Center line of U. S. Highway 31 situated in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 1; thence run in a Northwesterly direction along the center line of said U. S. Highway 31 to its intersection with the West line of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 1; thence run in a Southerly direction along the West line of said $\frac{1}{4}$ - $\frac{1}{4}$ to the Southwest

corner of said $\frac{1}{4}$ - $\frac{1}{4}$; thence run in a Easterly direction along the South line of said Section 1 three fourths of one mile more or less to the Southeast corner of said Section 1; thence run in a Northerly direction along the East line of said Section 1 one mile more or less to the point of beginning.

Section 2. The substantive provisions of this Act shall become operative only if the Act is approved by the qualified electors who reside within that part of the territory hereinabove described which is not presently included with the corporate limits of the City of Alabaster, voting in a referendum election to be held on a day designated by the Probate Judge of Shelby County, not less than twenty nor more than forty days from the date of this enactment. The notice of the election shall be given by the Probate Judge of Shelby County, and the election shall be held conducted and the results thereof canvassed in the manner prescribed by Article 2 of Chapter 5 of Title 37, Code of Alabama, 1940 as recompiled for giving notice of and conducting elections on the question of annexing territory to cities of twenty-five thousand or more inhabitants insofar as such provisions of said article may be appropriate; provided however, no resolution of the municipal governing body need be made or filed with the Probate Judge, nor need a plat of map of the territory to be annexed be filed with the Probate Judge. The question shall be on the adoption of Act No. _____ of the 1973 Regular Session of the Legislature, which alters, rearranges and extends the corporate limits of the City of Alabaster in Shelby County, Alabama. Each voter may furnish his own ballot, and if he desires to vote for the adoption of said Act there shall be the word "Yes". If he desires to vote against the adoption of such Act the word "No" shall be written or printed on his ballot. The City of Alabaster shall pay all costs and expenses incident to the election.

If a majority of the votes cast are "Yes", the provisions of this Act shall become operative immediately. If the majority are "no", this Act shall have no further effect.

Approved August 27, 1973

Time: 5:20 P.M.

Act No. 554

H. 1479—Stubbs

AN ACT

To alter, re-arrange and extend the boundaries and corporate limits of the Town of Wilsonville, Alabama so as to incorporate certain territory as described herein.

Be It Enacted by the Legislature of Alabama:

Section 1. To alter, re-arrange and extend the boundaries and corporate limits of the Town of Wilsonville, Alabama, so as to incorporate certain territory as described herein, to-wit:

Commence at a 6" X 6" Concrete Marker in the center of Wilsonville, Ala. the same being 53.5 feet SW of the South-most corner of the J. F. Pope Building; from said concrete marker, run South 54 deg. 26 min. 49 Sec. East a distance of 5,280 feet to a point on the North line of Section 7, Township 21 South, Range 2 East and the present Town Limits line; said point being 4,196.66 feet East of the NW corner of said Section 7, and the point of beginning; thence run East along the North line of said Section 7 a distance of 230 feet, more or less, to Contour Line, Elevation 397.00; thence run in a Southerly direction along the meandrians of said Contour Line, to a point on the East line of said Section 7, said point being 350 feet, more or less, North of the SE corner of said Section 7; thence continue in a Southeasterly direction along the meandrians of Contour Line Elevation 397.00, to a point on the South line of Section 8, Township 21 South, Range 2 East, said point being 220 feet, more or less, East from the SW corner of said Section 8; thence continue in a Southerly direction along the meandrians of Contour Line, Elevation 397.00, to a point in the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 17, Township 21 South, Range 2 East, said point being 630 feet, more or less, South of and 360 feet, more or less, East of the NW corner of said Section 17; thence continue in a North and Northwesterly direction along the meandrians of Contour Line, Elevation 397.00, to a point on the East line of Section 18, Township 21 South, Range 2 East, said point being 510 feet, more or less, South from the NE corner of said Section 18; thence continue along the meandrians of Contour Line, Elevation 397.00, to a point in the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 18, Township 21 South, Range 2 East, said point being 1,090 feet, more or less, South, and 590 feet, more or less, West of the NE corner of said Section 18; thence continue along the meandrians of Contour Line, Elevation 397.00, in a Northeasterly direction, to a point on the East line of said Section 18, said point being 960 feet, more or less, South from the NE corner of said Section 18; thence continue along the meandrians of Contour Line, Elevation 397.00, to a point in the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 17, Township 21 South, Range 2 East, said point being 890 feet, more or less, South of, and 350 feet, more or less, East of the NW corner of Said Section 17; thence continue along the meandrians of Contour Line, Elevation 397.00, in a Southeasterly direction to a point in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 17, Township 21 South, Range 2 East, said point

being 1,820 feet, more or less, South of and 600 feet, more or less, East of the NW corner of said Section 17; thence continue along the meandrians of Contour Line, Elevation 397.00, in a Northwesterly direction, to a point in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$; said point being 1,660 feet, more or less, South of and 390 feet, more or less, East of the NW corner of said Section 17; thence continue along the meandrians of Contour Line, Elevation 397.00, in a Southwesterly direction to a point on the West line of Section 17, Township 21 South, Range 2 East, said point being 2,630 feet, more or less, South from the NW corner of Section 17; thence continue along the meandrians of Contour Line, Elevation 397.00, in a Southwesterly direction, to a point in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 18, Township 21 South, Range 2 East, said point being 3.080 feet, more or less, South of and 170 feet, more or less, West of the NE corner of said Section 18; thence continue along the meandrians of Contour Line, Elevation 397.00, in a Northeasterly direction to a point on the East line of Section 18, Township 21 South, Range 2 East, said point being 2,660 feet, more or less, South from the NE corner of said Section 18; thence continue along the meandrians of Contour Line, Elevation 397.00, in a Northeasterly direction, to a point in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 17, Township 21 South, Range 2 East, said point being 2,000 feet, more or less, South of and 120 feet, more or less, East of the NW corner of said Section 17; thence continue along the meandrians of Contour Line, Elevation 397.00, in an Easterly direction, to a point in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 17, Township 21 South, Range 2 East, said point being 2,020 feet, more or less, South of and 610 feet, more or less, East of the NW corner of said Section 17; thence continue along the meandrians of Contour Line, Elevation 397.00, in a Southerly direction to a point on the West line of Section 17, Township 21 South, Range 2 East, said point being 4,690 feet, more or less, South of the NW corner of Section 17; thence continue along the meandrians of Contour Line, Elevation 397.00, in a Westerly direction to a point on the South line of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 18, Township 21 South, Range 2 East, said point being 2,400 feet, more or less, West of the East line of said Section 18; thence continue along the meandrians of Contour Line, Elevation 397.00, in a Northerly direction to a point in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 18, Township 21 South, Range 2 East, said point being 3,430 feet, more or less, South of and 2,320 feet, more or less, West of the NE corner of said Section 18; thence continue along the meandrians of Contour Line, Elevation 397.00, in an Easterly direction to a point in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 18, Township 21 South, Range 2 East, said point being 3,430 feet, more or less, South of and 2,150 feet, more or less, West of the NE corner of

Section 18, Township 21 South, Range 2 East; thence continue along the meandrians of Contour Line, Elevation 397.00, in a Southerly direction to a point on the South line of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 18, Township 21 South, Range 2 East, said point being 2,020 feet, more or less, West from the East line of said Section 18; thence continue along the meandrians of Contour Line, Elevation 397.00, in a Southeasterly direction to a point in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 18, Township 21 South, Range 2 East, said point being 4,110 feet, more or less, South of and 1,780 feet, more or less, West of the NE corner of said Section 18; thence continue along the meandrians of Contour Line, Elevation 397.00, in a Northeasterly direction to a point on the South line of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 18, Township 21 South, Range 2 East, said point being 1,610 feet, more or less, West of the East line of said Section 18; thence continue along the meandrians of Contour Line, Elevation 397.00, in a Northeasterly direction to a point in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 18, Township 21 South, Range 2 East, said point being 2,980 feet, more or less, South of and 2,130 feet, more or less, West of the NE corner of said Section 18; thence continue along the meandrians of Contour Line, Elevation 397.00, in a Southeasterly direction to a point in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 18, Township 21 South, Range 2 East, said point being 3,340 feet, more or less, South of and 1,620 feet, more or less, West of the NE corner of said Section 18; thence continue along the meandrians of Contour Line, Elevation 397.00 in a Northerly direction to a point in the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 18, Township 21 South, Range 2 East, said point being 2,550 feet, more or less, South of and 1,440 feet, more or less, West of the NE corner of said Section 18; thence continue along the meandrians of Contour Line, Elevation 397.00, in a Westerly direction to a point on the West line of Section 18, Township 21 South, Range 2 East, said point being 2,820 feet, more or less, South of the NW corner of said Section 18; thence continue along the meandrians of Contour Line, Elevation 397.00, in a Westerly direction to a point in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 13, Township 21 South, Range 1 East, said point being 2,870 feet, more or less, South of and 810 feet, more or less, West of the NE corner of said Section 13; thence continue along the meandrians of Contour Line, Elevation 397.00, in a Northerly direction to a point on the North line of Section 13, Township 21 South, Range 1 East, said point being 1,740 feet, more or less, West of the NE corner of said Section 13; thence continue along the meandrians of Contour Line, Elevation 397.00, in a Northwesterly direction to a point on the East line of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 12, Township 21 South, Range 1 East, said point being 819.62 feet South from the

NE corner of said $\frac{1}{4}$ - $\frac{1}{4}$ section; thence run West a distance of 1,852.46 feet to a point on the East R.O.W. line of County Hwy. No. 61, said point being marked by a 6" X 6" concrete post (P.T. Sta. 435 plus 43.2), thence turn an angle of 120 deg. 08 min. 42 sec. to the right and run along said R.O.W. line a distance of 602.83 feet to the P.C. of a R.O.W. curve, thence continue in same direction along the arc of said R.O.W. curve, (whose Delta Angle is 12 deg. 10 min. to the left, Tangent Distance is 411.34 feet, Radius is 3,859.63 feet, Length of Arc is 819.58 feet to the P.T. (Sta. 449 plus 57.2); thence continue in the same direction along said R.O.W. line a distance of 1,113.00 feet to the P.C. of a R.O.W. curve, thence continue in the same direction along the arc of said R.O.W. curve, (whose Delta Angle is 5 deg. 11 min. 17 sec. to the right, Tangent Distance is 63.06 feet, Radius is 1,392.00 feet, Length of Arc is 126.04 feet) to a point on the present Town Limits line, said point being South 40 deg. 04 min. 52 sec. West a distance of 5,280.00 feet from the center of the Town of Wilsonville, Ala., thence run in an Easterly direction along the arc of a curve marking the present Town Limits line, said curve having a Radius of 5,280.00 feet, Delta Angle of 94 deg. 31 min. 41 sec. to the left, Tangent Distance of 5,714.67 feet, Arc Length of 8,711.08 feet, to the point of beginning, all in Shelby County, Alabama.

Section 2. The substantive provisions of this Act shall become operative only if the Act is approved by the qualified electors who reside within that part of the territory hereinabove described which is not presently included within the corporate limits of the Town of Wilsonville, Alabama, voting in a referendum election to be held on a day designated by the Probate Judge of Shelby County, not less than twenty nor more than forty days from the date of this enactment. The notice of the election shall be given by the Probate Judge of Shelby County and the election shall be held, conducted and the results thereof canvassed in the manner prescribed by Article 2 of Chapter 5 of Title 37, Code of Alabama, 1940 as recompiled for giving notice of and conducting elections on the question of annexing territory to cities of twenty-five thousand or more inhabitants insofar as such provisions of said article may be appropriate; provided, however, no resolution of the municipal governing body need be made or filed with the Probate Judge, nor need a plat of map of the territory to be annexed be filed with the Probate Judge. The question shall be on the adoption of Act No. _____ of the 1973 Regular Session of the Legislature, which alters, rearranges and extends the corporate limits of the Town of Wilsonville in Shelby County. Each voter may furnish his own ballot, and if he desires to vote for the adoption of said Act there

shall be written or printed on such ballot the word "Yes". If he desires to vote against the adoption of such Act the word "No" shall be written or printed on his ballot. The Town of Wilsonville shall pay all costs and expenses incident to the election.

If a majority of the votes cast in the election are "Yes", the provisions of this Act shall become operative immediately. If the majority are "No", this Act shall have no further effect.

Approved August 27, 1973

Time: 5:20 p.m.

Act No. 555

H. 377—Dill, Adwell

AN ACT

Relating to counties of 500,000 or more; to authorize the distillation, manufacture or making of any alcoholic spirituous, vinous or otherwise alcoholic beverages and malt and brewed beverages in such county.

Be It Enacted by the Legislature of Alabama:

Section 1. Any law or regulation of the Alcoholic Beverage Control Board to the contrary notwithstanding, it shall be legal to distill, manufacture or make any alcoholic spirituous, vinous, fermented or brewed beverages including but not limited to beer, lager beer, ale, porter or similar fermented malt brewed or malt liquors in counties of 500,000 or more inhabitants according to the most recent federal decennial census, and to transport, sell and deliver such alcoholic beverages to the Alcoholic Beverage Control Board or to wholesalers, distributors or jobbers inside or outside this state.

Section 2. Nothing herein shall be construed to authorize the sale of such vinous liquor or malt or brewed beverages without payment of any lawful taxes due.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Passed, the Governor's veto to the contrary notwithstanding.

Passed the House August 23, 1973.

Passed the Senate August 23, 1973.

Act No. 556

H. 1431—Casey

AN ACT

Proposing an amendment to the Constitution of Alabama relating to court costs and charges and to the compensation of certain officers of Cleburne County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, and shall become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

PROPOSED AMENDMENT

"The Legislature may from time to time, by general or local laws applicable to or operative in Cleburne County, fix, regulate, and alter the costs and charges of courts and the fees, commissions, allowances, and salaries, including the method and basis of their compensation, to be charged or received by the judge of probate or by any other officer of Cleburne County; and may place any or all of such officers on a salary and provide for the fees, commissions, allowances, and percentages collectible by such officers to be paid into the treasury from which their salaries are paid. Provided, that no law changing the method or basis for compensating such officers shall become effective unless it is approved by a majority of the qualified electors of the county who vote thereon at a referendum election held for such purpose."

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17, of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the House July 24, 1973.

Passed the Senate August 21, 1973.

Proposing an amendment to the Constitution of Alabama relating to the compensation of certain officers of Bibb County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, and shall become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation of the Governor:

PROPOSED AMENDMENT

The legislature may, from time to time, by general or local laws applicable to or operative in Bibb County and approved by a majority of the qualified electors of Bibb County at a referendum election, fix, regulate, and alter the costs and charges of court and the fees, commissions, allowances, and salaries, including the method and basis of their compensation, to be charged or received by the probate judge, the circuit clerk and the register, the tax assessor, and the tax collector of Bibb County; and may place any or all of such officers on a salary and provide for the fees, commissions, allowances, and percentages collectible by such officers to be paid into the treasury from which their salaries are paid.

In the event this amendment is approved and a majority of the qualified electors of said county who vote thereon vote in favor of the adoption of this amendment when it is submitted, then any law theretofore passed which places any officers in Bibb County on a salary basis, or any law fixing, regulating, and altering the costs and charges of court and the fees, commissions, allowances, and salaries of any officer in Bibb County, may become effective without any other election having been held thereon. In the event this amendment is approved and a majority of the qualified electors of said county who vote thereon vote against its approval, then such act or acts shall have no further force or effect.

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the House August 7, 1973.

Passed the Senate August 21, 1973.

Act No. 558

H. 1325—Edwards

AN ACT

Relating to all counties having a population of not less than 24,000 nor more than 24,800 according to the most recent Federal Decennial Census: to provide for expenses to preprint motor vehicle registration assessment sheets and tag receipts not to exceed \$2,500.00 in any one year subject to the approval and appropriation by the County Governing Body.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties in Alabama having a population of not less than 24,000 nor more than 24,800 according to the most recent Federal Decennial Census.

Section 2. In any county having a population of not less than 24,000 nor more than 24,800 the County Commission or any like Governing Body may appropriate at their discretion not more than \$2,500.00 in any one year for the preprinting of motor vehicle registration assessment sheets and tag receipts.

Section 3. The appropriation must be approved by the County Governing Body and the Treasurer authorized to issue warrants from the General Fund or Highway and Traffic Fund for the actual cost of the printing.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 27, 1973

Time: 5:10 P.M.

Act No. 559

H. 1490—Jackson, Wise

AN ACT

Relating to all counties having a population of not less than 34,000 nor more than 34,800, according to the most recent federal decennial census; to provide that cosmetology students may work in beauty shops under the supervision and control of licensed cosmetologists.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than 34,000 nor more than 34,800, according to the most recent federal decennial census, no general, special or local law of this state shall prevent any cosmetology student from working in any beauty shop so long as such student performs his work or duties strictly under the supervision of a licensed cosmetologist and does not hold herself out to the public to be other than a student or trainee.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 27, 1973

Time: 5:20 P.M.

Act No. 560

H. 1492—Merrill, Stewart, Casey, Burgess

AN ACT

Providing each judge in the Seventh Judicial Circuit an annual travel expense allowance.

Be It Enacted by the Legislature of Alabama:

Section 1. Hereinafter each judge sitting in the Seventh Judicial Circuit of this State shall be provided with an annual travel expense allowance of Fifteen Hundred Dollars (\$1500), payable in equal sums from the general funds of the counties composing such circuit.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:20 P.M.

Act No. 561

H. 1493—Merrill, Burgess, Stewart

AN ACT

Relating to the expense allowance of the members of any civil service commission in any city which has a civil service commission in any county having a population of 95,000 to 115,000.

Be It Enacted by the Legislature of Alabama:

Section 1. The members of the board of the civil service commission of any city which has a civil service commission in any county having a population of not less than 95,000 nor more than 115,000 according to the last or any subsequent federal decennial census shall receive an expense allowance of \$50 per month. Said expense allowance shall be paid from funds of the city on order of the board in the same manner as other city salaries and expenses and shall be in lieu of all other compensation and expenses provided members of the board by general, special or local law.

Section 2. All laws or parts of laws, general, specific or local which conflict with this law are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:20 P.M.

Act No. 562

H. 1494—Stewart, Burgess, Merrill

AN ACT

To alter, rearrange and extend the boundaries and corporate limits of the City of Oxford, Calhoun County, Alabama, so as to annex certain territory to the city.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries and corporate limits of the City of Oxford, Calhoun County, Alabama, are hereby altered, rearranged and extended so as to include within the corporate limits of the city, the following described territory in addition to the area now embraced within such boundaries and corporate limits, to-wit:

PARCEL NO. 1

Block J, as designated on the map or plat of Blocks H & J to the property of S. A. Smith situated in the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 31, Township 16, Range 8, in Calhoun County, Alabama, being the same property heretofore conveyed on January 8, 1952, by S. A. Smith and wife, Carrie L. Smith, to G. W. Hewitt and wife, Ruth Hewitt, as shown by deed recorded in the Office of the Judge of Probate of Calhoun County, Alabama, in Book 738 at Page 368, all as shown by plat recorded in Plat Book E at Page 30.

PARCEL NO. 2

Lot #4, Block #A, as shown on the map of Howle Subdivision, Second Addition, Oxford, Alabama, recorded in the Office of the Probate Judge of Calhoun County, Alabama, in Plat Book "O", Page #21, situated in Calhoun County, Alabama.

PARCEL NO. 3

Lot 15, Block 2, as shown on the map of Howle Subdivision recorded in the Office of the Probate Judge of Calhoun County, Alabama, in Plat Book "K", Page 9, situated in the City of Oxford, Calhoun County, Alabama.

PARCEL NO. 4

Lot No. 2 and the north half of Lot No. 3 in Block H as shown on the S. A. Smith Addition of Blocks H and J, situated in the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 31, Township 16, Range 8, recorded in Plat Book E at Page 30 in the Office of the Judge of Probate of Calhoun County, Alabama; situated in the County of Calhoun, State of Alabama.

PARCEL NO. 5

Lot 1, Block A, as shown on the map of Howle's Subdivision recorded in the Office of the Probate Judge of Calhoun County, Alabama, at Plat Book "O", Page 21, situated in Calhoun County, Alabama.

PARCEL NO. 6

Lot #3, Block A, as shown on the map of Howle Subdivision, Second Addition, Oxford, Alabama, recorded in the Probate Office of Calhoun County, Alabama, in Plat Book "O", Page #21, situated in Calhoun County, Alabama.

PARCEL NO. 7

Lot 14, Block 2, as shown on the map of Howle Subdivision, as recorded in Plat Book "K", Page 9, Probate Office, Calhoun County, Alabama.

PARCEL NO. 8

Lots 7, 8 and 9, Block E, according to the map of Cheaha Acres in Plat Book I, Page 9, Office of the Judge of Probate of Calhoun County, Alabama; situated in Calhoun County, Alabama.

PARCEL NO. 9

Commencing at the northwest corner of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 25, Township 16 South, Range 7 East, pro-

ceed South $03^{\circ}03'$ east along the west boundary of said quarter-quarter section 157.13 feet to a point on the north right of way boundary of West Ninth Street (R/W 60 feet); thence turn a deflection angle of $104^{\circ}24'$ to the left and proceed north $72^{\circ}33'$ east along said right of way boundary 276.16 feet to the beginning of a curve radius of 5699.58 feet; thence proceed along said curve to the left 63.52 feet to the point of beginning of the property herein described; thence continue along said curve and right of way boundary 120.25 feet to a point; thence proceed north $20^{\circ}12'$ west 149.69 feet to a point; thence turn a deflection angle of $90^{\circ}00'$ to the left and proceed south $69^{\circ}48'$ west 120.0 feet to a point; thence turn a deflection angle of $90^{\circ}00'$ to the left and proceed south $20^{\circ}12'$ east 146.0 feet to a point on the north right of way boundary of West Ninth Street, the point of beginning. Said property is located in the $SE\frac{1}{4}$ of Section 25, Township 16 South, Range 7 East, in Calhoun County, Alabama.

PARCEL NO. 10

A parcel of land fronting 100 feet on the east side of the Quarry Road in the $NE\frac{1}{4}$ of the $SE\frac{1}{4}$ of Section 35, Township 16, Range 7 in Calhoun County, Alabama, more particularly described as follows: Beginning 137 feet north of and $16\frac{1}{2}$ feet east of the southwest corner of the $NE\frac{1}{4}$ of the $SE\frac{1}{4}$ of Section 35, Township 16 Range 7, which point of beginning is on the east side of the Quarry Road 137 feet north of the centerline of the Oxford and Coldwater public road; thence north along the east line of the Quarry Road 100 feet; thence east at right angles 133 feet; thence south by an interior angle of 77 degrees 102 feet; thence west 111 feet to the point of beginning.

PARCEL NO. 11

Lot 25, Block A, as shown on the Map of Cheaha Acres Estates, recorded in the Office of the Probate Judge of Calhoun County, Alabama, in Plat Book "I", Page 9, situated, lying and being located in Calhoun County, Alabama.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:20 P.M.

Relating to counties having a population of not less than 27,000 nor more than 27,900 inhabitants according to the most recent federal decennial census; to provide a special expense allowance for the tax collector in such counties to be effective only for the period July 23, 1973, through October 1, 1973.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply only to counties having a population of not less than 27,000 nor more than 27,900 inhabitants according to the most recent federal decennial census.

Section 2. The tax collector in counties to which this act applies shall be paid a monthly expense allowance in the amount of \$256.00 out of the general fund of the county for the period July 23, 1973 through October 1, 1973.

Section 3. The provisions of this act shall become effective July 23, 1973 and shall expire and become null and void after October 1, 1973.

Approved August 27, 1973.

Time: 5:20 P.M.

Act No. 564

H. 1499—Mims, Warren

AN ACT

Relating to Monroe County; providing further requirements for petitions relative to wet-dry referendum elections within such county, so as to require the address and polling place upon the list of petitioners.

Be It Enacted by the Legislature of Alabama:

Section 1. The list of persons signing a petition for a wet-dry referendum election in Monroe County shall include, in addition to the name of such petitioner as is required by Title 29, Section 68 of the Code of Alabama 1940, the address and the location of the polling place of such petitioners. Said requirements of the address and polling place of such petitioners in Monroe County shall be in addition to any other state and county requirements for signers of a petition for wet-dry referendum elections.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:20 P.M.

Act No. 565

H. 1512—Stubbs

AN ACT

To alter and re-arrange the boundary lines of the Town of Calera, Alabama, so as to include within the corporate limits of said town, all territory now within such corporate limits and also certain other territory in Shelby County, Alabama, contiguous to said Town.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the Town of Calera, in the County of Shelby, State of Alabama, are, subject to the other provisions hereof, hereby altered and extended so that said boundaries shall include within the corporate limits of said Town all of the following described additional property not presently located in said Town, to-wit:

Said parcels are described as follows:

TRACT ONE

All of Section 2, not in the present town limits, and all of Section 11 west of the west line of U. S. Highway 31; all of Section 8, 9, and 10; all of Section 3 south of the north line of Alabama Highway 25 not in the present town limits; all of Section 4 and 5 south of the north line of Alabama Highway 25; all in Township 25 North, Range 13 East.

TRACT TWO

All of Section 20 south of the south line of County Road 16 and west of the present town limits; all of Section 18 south of the south line of County Road 16; all of Section 19; all in Township 22 South, Range 2 West. All of Section 13 east of the east line of County Road 23 and south of the south line of County Road 16; all of Section 23 and 24 east of the east line of County Road 23; all in Township 22 South, Range 3 West. All of Section 5 and 6 east of the east line of County Road 23 and north of the north line of Alabama Highway 25; all of Section 3 and 4 north of the north line of Alabama Highway 25; all in Township 24 North, Range 13 East.

TRACT THREE

All of Section 16 and 9 west of the west line of U. S. Highway 31, and not in the present town limits; all of Section 4 and 5 south of the south line of County Road 84; all of Section 6 south of the south line of County Road 84 and east of the east line of County Road 12; all of Section 8; all of Section 7, south of the south line of County Road 12; all of Section 17 not presently in the town limits; all of Section 18 and 20 and not in the present town limits, north of the south line of County Road 16; all in Township 22 South, Range 2 West. All of Section 13 north of the south line of County Road 16; all of Section 12 between the south line of County Road 12 and the south line of County Road 16; all in Township 22 South, Range 3 West.

TRACT FOUR

All of Section 16, 15 and 9 east of the west line of U. S. Highway 31 and west of the west line of Interstate Highway 65, and not in the present town limits; all of Section 22 south of the south boundary of the Southern Railway line and not in the present town limits; all of Section 14 south of the south boundary of the Southern Railway line and west of the east line of County Road 86; all of Section 23 north of south line of County Road 86 and all of Section 23 north of the north boundary of the Louisville and Nashville Railroad line and west of the east line of County Road 86; all in Township 22 South, Range 2 West. All of Section 1 and 2 north of the north boundary of the Louisville and Nashville Railroad line, and not in the present town limits; all of Section 2, 11 and 12 west of the west line of Interstate Highway 65 and east of the west line of U.S. Highway 31; all in Township 24 North, Range 13 East, and not in the present town limits.

Section 2. Within ten days after the approval of this act by the Governor, or its otherwise becoming a law, the Judge of Probate of Shelby County, Alabama, shall make and enter an order upon the minutes of said court, directing and ordering an election to be held by the qualified voters residing within the territory described, which is to be annexed to said town, said election to be held within forty days from the entry of said order. Said election shall be held to determine whether or not a majority of the voters residing within the territory above described to be annexed to said Town favor the annexation to said town of said territory above described. Said judge shall give notice of the holding of said election by publication in the Shelby County Reporter, a newspaper published in the Town of Columbiana, Alabama, once a week for four weeks preceding the date of said election and also by posting notices at three public places in the part of said territory annexed to said town by this act, which notices shall state the date on which said election is to be held,

the voting place or places designated by the Judge of Probate of said County, the boundaries in which voters must reside to vote at the respective voting place or places which must be within the territory annexed to said town by this act, and said notices must give a description of the territory so annexed, and must state that a map of said territory is on file in the office of the Judge of Probate of said county, open to the inspection of the public.

Section 3. The Judge of Probate of said county must designate at least one place within each tract, and may designate as many places within the territory hereby annexed to said town as he may deem necessary for the convenience of the voters, and must designate the boundaries within which the voters must reside to vote at the respective voting places, and shall appoint three inspectors of election, two clerks and one returning officer for each voting place, which inspectors shall manage the election at the respective voting places at which they are appointed as inspectors.

Section 4. Each qualified voter who has resided within the boundaries of the territory hereby annexed to said town for three months next preceding the election may vote as said election, but must vote at the voting place designated by the Judge of Probate for voters in the territory in which he resides.

Section 5. Said election must be conducted in all respects as provided by the general election laws and under the same sanction and penalties, except as changed by the provisions of this Act. There shall be no voting by absentee ballot.

Section 6. The Judge of Probate shall furnish ballots for such election with the following words written or printed thereon:

"For Annexation" if the voter desires to vote in favor of annexing the territory to the Town, or "Against Annexation," if the voter desires to vote against annexing the territory to the Town. It shall not be necessary for the ballot to be of any particular size, form or color but sufficient ballots shall be provided for the accommodation of all prospective voters at the several voting places.

Section 7. The inspectors at the respective voting places, must as soon as the polls are closed, ascertain and certify the results of the election at their respective voting places to the Judge of Probate, and deliver the same to the returning officer, who must at once return the same to the Judge of Probate, and said Judge must canvass the returns as made by the inspectors, and if it appears that a majority of the voters cast at the election in any tract were "for annexation" said Judge shall make and enter an order on the records of said Probate Court recording

such facts, and from the time of the entry of such order this act shall be fully effective as to said tract, and the boundaries of said Town of Calera shall be extended to include said tract or tracts as above set forth. If it appears that a majority of the voters cast at the election in any tract "against annexation" the Judge of Probate shall make and enter an order on the record of said Court recording such fact, and said tract will not be included in the boundaries of said Town.

Section 8. The provisions of this Act are separable as to the different tracts, and the inclusion or exclusion in the town limits of each of the aforescribed tracts will be determined by the majority of the votes cast in each of said tracts.

Section 9. The result of such election may be contested by any qualified elector voting at the election under the same provisions as are provided by general law for contesting the election of a Justice of Peace, making the Town the contestee. The Town of Calera shall pay all costs and expenses incident to the election."

Section 10. The Probate Judge shall be entitled to the same fees for his services performed under the provisions hereof as he is authorized by law to charge and collect for similar services rendered by him, and all other officers shall be entitled to the same compensation for services rendered by them, as they are authorized by law to charge and collect for similar services rendered by them, and said Town of Calera shall pay all costs and expenses, except on the case of a contest as herein provided.

Approved August 27, 1973.

Time: 5:20 P.M.

Act No. 566

H. 1517—Reid (R)

AN ACT

Relating to any county having a population of not less than 26,725 nor more than 27,250 inhabitants, according to the most recent federal decennial census; providing further for the compensation of members of the county governing body.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply only to any county having a population of not less than 26,725 nor more than 27,250 inhabitants, according to the most recent federal decennial census.

Section 2. In any county to which this Act applies each

member of the county governing body shall receive as additional compensation for the services rendered in his capacity as a member of said body the salary of two hundred dollars (\$200.00) per month to be paid in the manner provided in Section 4 of Act No. 228, S. B. 266, Regular Session 1963, (Acts 1963, p. 626), as amended. Such compensation shall be in addition to any and all other expense allowances, compensation and salary provided by law.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This Act shall become effective for all members of the commission at the beginning of the term of the members who take office in January, 1975.

Approved August 27, 1973.

Time: 5:20 P.M.

Act No. 567

H. 1518—Reid (R)

AN ACT

Relating to all counties having a population of not less than 26,725 nor more than 27,250; regulating the fees applicable to certain services rendered by the circuit court in equity of said counties.

Be It Enacted by the Legislature of Alabama:

Section 1. Fees for services rendered in the circuit court in equity of all counties having a population of not less than 26,725 nor more than 27,250 according to the most recent federal decennial census shall be as follows:

REGISTER'S FEES:

Docketing Cause	\$ 2.20
Issuing Subpoena	1.50
Per Copy	.70
Entering Return	.20
Entering Appearance	.70
Filing Bills or other papers	.20
Decree pro confesso	1.70
Noting all Testimony	.70
Recording Questions and Answers per 100 words	.35
Entering Decree	1.40

For all other services relating to such proceedings	1.40
Final Record, 100 words	.30
Order of Publication	1.70
Abstract of Publication, 100 words	.20
Decree appointing Guardian ad Litem	1.70
Issuing Attachment writ	1.25
Entering return	.20
Issuing injunction writ or ne exeat	1.95
Per Copy	.70
Entering Return	.20
Entering order submitting cause for decree	.70
Any other order	.35
Copy of Bill or other paper, per 100 words	.20
Issuing commission to take testimony	1.05
Receiving and filing each package of testimony	.15
Endorsing each package of depositions published	.15
Taking accounts, swearing witness, etc. per day	4.15
Taking testimony on reference, 100 words	.20
Report of Register	4.15
Issuing subpoena, each witness	.35
Witness certificate	.35
Hearing application for appointment of Receiver or Trustee	4.15
Settlement with Receiver, Trustee, Adm. or Exec.	5.50
Examining Vouchers	.20
Examining Answer or exception	4.15
Deed to property sold	5.50
Notices sent by mail to creditors	.20
Filing, Receipting for and docketing each claim	.35
Entries on subpoena docket	.70
Entries on commission docket	.70
Issuing certificate of Judgment to be recorded in Probate Court	.35
Taking and approving bond	1.40
Each certificate or affidavit with seal	1.10
Each certificate or affidavit without seal	.70
Each Notice not otherwise provided for	1.10
Entering orders by the Register	.70
Recording resignation, removal, or suggestion of death of trustees	1.10
Entering each certificate of Supreme Court	.70
Transcript, per 100 words	.20
For each additional copy of transcript	1.05
State certificate	.70
Relieving minors of disability of non-age	8.80
Answer and Waiver-Divorce case, 2 copies of Decree	13.20
Decree Pro Confesso on Personal service divorce case, 1 copy of decree	22.00

Decree Pro Confesso on Registered mail service, divorce case, 1 copy of decree	22.00
Decree Pro Confesso on Publication divorce case with 1 copy of decree	22.00
Certified copy of divorce decree	1.40
Issuing execution	1.10
Entering Return	.20
MISCELLANEOUS FEES AND TAXES	
Summoning on Bill, Each Defendant	1.65
Executing Subpoenas for Witnesses, each	.85
Executing Writs of Possession, each	5.50
Executing Scire Facias or Notice, each	1.65
Taking and Approving Bonds, each	2.20
Collection Execution for Costs only, each	1.65
Fair Trial Tax	2.00
Court Reporter's Fees, Per Day or Fraction thereof	5.50
Trial Tax	3.30

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:20 P.M.

Act No. 568

H. 1519—Wise, Jackson

AN ACT

Relating to all counties having a population of not less than 21,000 nor more than 22,000, according to the most recent federal decennial census; to provide that cosmetology students may work in beauty shops under the supervision and control of licensed cosmetologists.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than 21,000 nor more than 22,000, according to the most recent federal decennial census, no general, special or local law of this state shall prevent any cosmetology student from working in any beauty shop so long as such student performs his work

or duties strictly under the supervision of a licensed cosmetologist and does not hold herself out to the public to be other than a student or trainee.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:25 P.M.

Act No. 569

H. 1520—Snell

AN ACT

Relating to Chambers County; to authorize the county governing body to expend county monies for health services, including emergency ambulance services.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of Chambers County may use any of the monies in the County General Fund to provide for any health purposes of the county, including health facilities of all kinds, health services, and emergency ambulance services; and the governing body of Chambers County may, at its discretion, expend such monies in cooperation with any one or more of the municipalities of the county, or in cooperation with any public or private non-profit hospital corporation, or contract with any individuals or company to provide such health services.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:25 P.M.

Act No. 570

H. 1527—Hearn, Grainger, King, Hale, Lutz

AN ACT

Relating to the storage of records, documents, plats, court files, books, maps, papers, writings or drawings of any other type, or by whatever name called, which may be a part of any county or state office housed in the Madison County Courthouse, or any annex thereof, may be stored in a centralized storage area, located anywhere within Madison County, Alabama; to provide that said storage area shall contain vaults or be so equipped as to properly provide for the storage of said documents; and to provide for the employment of any and all personnel deemed by the Madison County Commission as necessary to properly care for said documents.

Be It Enacted by the Legislature of Alabama:

Section 1. The Madison County Commission, or other like governing body of Madison County, Alabama, is hereby authorized, following the passage of an appropriate resolution by said body, to designate a centralized storage area for the storage of any, all, or any part of, any records, documents, plats, court files, books, maps, papers, writings or drawings of any type, by whatever name called, which may be of record in any county or state office housed in the Madison County Courthouse, or any annex thereof. Provided, however, that nothing in this Act shall be construed to authorize the removal from the Main Madison County Court House of any records pertaining to real property, or the storage of any such records in any place other than the Main Madison County Court House.

Section 2. Such a centralized storage area shall be located in Madison County, Alabama, and shall contain a vault and other necessary furnishings and equipment and shall be so housed and equipped as to properly provide for the storage of all documents which may be located therein.

Section 3. The Madison County Commission is hereby authorized and empowered to contract and employ, at a salary to be set by the Commission in accordance with the pay plan promulgated by the Madison County Commission and County Personnel Board, any and all employees which it may deem necessary to properly carry out the function of operating such a centralized storage area, which shall include, but not be limited to, authority to employ secretaries, janitors, watchmen, and clerical employees. All compensation paid to any employees hired pursuant to this Act shall be paid out of the General Fund of Madison County by proper warrants issued by the county.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:25 P.M.

Act No. 571 H. 1528—King, Grainger, Hale, Hearn, Lutz

AN ACT

To authorize and empower the Madison County Commission, upon the request of the president of the jury commission of Madison County, to provide whatever clerical or administrative assistance, as well as any other supplies of any sort or type as may be required in carrying out the duties, functions or obligations of the office; to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The Madison County Commission is hereby authorized and empowered, upon the request of the president of the jury commission of Madison County, to provide clerical and administrative assistance for the commission, where it may deem same necessary and advisable, as well as providing all supplies of any sort or type which the jury commission may request to carry out its duties, functions and obligations.

Section 2. The Madison County Commission is hereby authorized and empowered to draw its warrant on the County Treasury for the payment of any salaries, compensation or for any of the things or items purchased or provided the jury commission under Section 1 of this Act.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:25 P.M.

Act No. 572

H. 1529—Lutz, Hearn, Grainger, King

AN ACT

To authorize the Chairman of the Madison County Commission, or other like governing body of Madison County Alabama, to issue official proclamations.

Be It Enacted by the Legislature of Alabama:

Section 1. The Chairman of the Madison County Commission, or other like governing body of Madison County, is hereby authorized to and may issue official proclamations. Provided however such proclamations shall not affect the legal rights, obligations, or privileges of any person or organization and provided further that the issuance of such proclamations shall be contingent on the approval of the Madison County Commission.

Section 2. All laws or parts of laws in conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:25 P.M.

Act No. 573

H. 1531—King, Grainger, Hale, Hearn, Lutz

AN ACT

To amend Act No. 464, H. 1033, approved November 13, 1959, relating to the management of the public records of Madison County; providing for the photographing or microphotographing of such public records and for the admissibility in evidence of photographed or microphotographed copies of records required to be kept by public officers of Madison County, and for payment of the costs incurred in the purchase of photographic or microphotographic equipment; creating a county records commission to regulate the destruction or disposal of such public records; and providing for establishment of a county records custodian and reproduction department.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 8 of Act No. 464, H. 1033, approved November 13, 1959, is hereby amended to read:

“Section 8. The governing body of Madison County is hereby authorized to establish a reproduction department for Madison County and to employ a records custodian who shall be chosen

by the chairman of the Madison County governing body, which custodian shall have charge of all reproduction work including microphotographing and who shall have custody of all records placed for storage outside the Madison County Courthouse. The records custodian is hereby charged with the responsibility of aiding the public officers in maintaining and preserving the records in the custody of said public officials. Madison County is authorized to expend from its General Fund all monies necessary for supplies and equipment with which to operate said department including salaries for the personnel.

The governing body of Madison County shall also enter into such contracts as are necessary in order to provide for the storage and safekeeping of a copy of each photograph or microphotograph made of any county records at some place outside the boundaries of Madison County."

Section 2. All laws or parts of laws, general, local or special, which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:25 P.M.

Act No. 574

H. 1548—Carnes, Waldrop, Wynot

AN ACT

To apply in counties having a population of not less than 90,000 nor more than 100,000; to provide for the reimbursement payment of certain expenses for the Judge of the County Court, or Juvenile Court, or Intermediate Court, or other Court of like jurisdiction for attending conferences, seminars, meetings, and Bar Association meetings for the purpose of instruction and Continuing Legal Education.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than 90,000 nor more than 100,000, according to the most recent federal decennial, the Judge of the County Court, or the Juvenile Court, or the Intermediate Court, or other Court of like jurisdiction shall be entitled to reimbursement for expenses incurred in attending conferences, seminars, meetings, and Bar Association meetings for the purpose of instruction and Continuing Legal Education which will be beneficial to said Judge in the performance of his duties, to be paid from the County treasury on warrants drawn in the manner prescribed by law, which shall be in

addition to all other compensation and allowances heretofore provided.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:25 P.M.

Act No. 575

H. 1551—Grainger, Lutz, Hearn, King, Hale

AN ACT

To provide for the establishment of a county computer department for Madison County, Alabama, and to provide for the appointment, qualifications, duties and authority of a director; to provide for the employment of clerks and assistants and to otherwise provide for the further implementation of such a department; to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The Madison County Commission, or other like governing body, may, as hereinafter provided, create and establish a county computer department. Said county computer department is hereinafter referred to in this Act as the department.

Section 2. The words "computer equipment" as used in this Act shall be defined to mean any mechanical equipment, by whatever name called, whether it be a brand name, trade name, nickname or common name, as may be purchased, leased or otherwise obtained by the Madison County Commission or other governing body and assigned to such department.

Section 3. If the county commission, or other like governing body, elects to create and establish the department as provided for in this Act, it shall appoint a director of the department and any vacancy in the office of the director of said department because of death, resignation or otherwise, shall be filled by a majority vote of the appointing body.

Section 4. The salary of the director of the department shall be fixed by the county personnel board and shall be payable in equal monthly installments out of the General Fund of the county by warrant properly drawn on said fund. The director of the department shall be a county officer, shall have an official seal of office and shall maintain his permanent office in the

county courthouse of the county, or any annex thereof or other place designated in said county by the county governing body.

Section 5. Suitable office space, and all stationery, equipment, supplies and postage necessary for the conduct of the office, shall be furnished by the governing body of the county to the director of the department.

Section 6. The director of the department may also appoint a sufficient number of clerks, including a chief clerk, and assistants, so that the duties of the office can be properly performed. Their compensation shall be fixed in accordance with the pay plan promulgated by the Madison County Commission and County Personnel Board and shall be paid out of the General Fund of the county in the same manner as the salaries of other county employees are paid.

Section 7. It shall be the duty of the director of the department to do all work for the county on computer equipment which may be assigned to him by the county governing body for any county office, department, agency or board, by whatever name called, or any other office in the county courthouse as it may be directed to do by the county governing body, and to do any related work for all those agencies, boards, departments or offices as hereinabove referred to, as may be requested, which can be done or accomplished on computer equipment.

Section 8. It is the intent and purpose of this Act to provide a more convenient and efficient method of handling and dealing with the voluminous amount of work done by various county departments, agencies, boards and offices, which must be done or can be more efficiently done on or by computer equipment, hereinabove defined, so as to render better service to the people of said county.

Section 9. The provisions of this Act shall immediately apply and become effective in Madison County upon adoption by the county commission or other like governing body of the county of a resolution whereby it elects to come within the provisions of this Act; provided, however, that said governing body may, if it deems it advisable for the purpose of properly establishing said department and allowing the personnel to plan and become familiar with the work and equipment thereof, expend such funds as are necessary to set up said department and pay the director and personnel during said period but delay the actual date when said department is officially put into operation within the county to perform the duties and exercise the powers herein provided.

Section 10. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional such declaration shall not affect the part which remains.

Section 11. All laws or parts of laws which conflict with this Act are repealed.

Section 12. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:25 P.M.

Act No. 576

H. 1564—Reid (R)

AN ACT

Relating to any county having a population of not less than 26,725 nor more than 27,250 inhabitants, according to the most recent federal decennial census; providing further for the compensation of the District Attorney.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply only to any county having a population of not less than 26,725 nor more than 27,250 inhabitants, according to the most recent federal decennial census.

Section 2. The county governing body of any county to which this Act applies is hereby authorized to give the District Attorney of such county additional compensation of two hundred dollars (\$200.00) per month which shall be paid out of the county general fund at the same time and in the same manner as other county employees are paid. Such compensation shall be in addition to any all other expense allowances, salary and compensation provided by law.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:25 P.M.

Act No. 577

H. 1565—Reid (R)

AN ACT

Relating to counties having a population of not less than 26,725 nor more than 27,250 inhabitants, according to the most recent federal decennial census; authorizing the county governing body to provide further for the compensation of the judge of law and equity court in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply to any county having a population of not less than 26,725 nor more than 27,250 inhabitants, according to the most recent federal decennial census.

Section 2. The county governing body of any county to which the provisions of this Act applies is hereby authorized to give the judge of the law and equity court in such county additional compensation of two hundred dollars (\$200.00) per month to be paid out of the county general fund. Said compensation shall be in addition to any and all other expense allowances, salary and compensation provided by law.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:25 P.M.

Act No. 578

H. 1566—Reid (R)

AN ACT

Relating to counties having a population of not less than 26,725 nor more than 27,250, according to the most recent federal decennial census; providing further for the expense allowances of members of the county commission in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply only to any county having a population of not less than 26,725 nor more

than 27,250 inhabitants, according to the most recent federal decennial census.

Section 2. Each member of the county commission is authorized to receive an additional expense allowance of one hundred dollars (\$100.00) per month. Said expense allowance is in addition to any and all other expense allowances, salary and compensation provided by law.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:25 P.M.

Act No. 579

H. 1569—Carnes, Waldrop, Wynot

AN ACT

Relating to all Counties in the State of Alabama having a population of not less than 90,000 nor more than 100,000 according to the most recent federal decennial Census; relieving the Clerk and Register of the Circuit Court of all such Counties of the duty of subscribing for, taking, filing, causing to be bound, and kept in their respective offices, copies of daily and weekly Newspapers published in the County.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in Counties having a population of not less than 90,000 nor more than 100,000.

Section 2. The Clerk and Register of the Circuit Court of every County in which this Act applies are hereby relieved of the duty of subscribing for, taking, filing, causing to be bound and kept in their respective offices, copies of daily and weekly Newspapers published in the County.

Section 3. This Act shall not apply to the Probate Judge in such Counties. They are required to continue subscribing for, taking, filing, causing to be bound and kept in their office, copies of daily and weekly Newspapers as required by law.

Section 4. All laws or parts of laws in conflict with this Act are hereby expressly repealed.

Section 5. This Act shall take effect immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:25 P.M.

Act No. 580

H. 1574—Agee, McCorquodale

AN ACT

Providing for expense allowances for the tax assessor and for the tax collector of counties having populations of not less than 16,000 nor more than 16,250, according to the most recent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. In counties having populations of not less than 16,000 nor more than 16,150, according to the most recent federal decennial census, the tax assessor and the tax collector shall each be entitled to and receive an annual expense allowance of \$3,600, payable in equal monthly installments of \$300 from the general funds of such counties. The expense allowances provided for herein shall be in lieu of any other expense allowances now payable to said officials of such counties.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:25 P.M.

Act No. 581

H. 1599—Wood

AN ACT

To amend Act No. 140, H. 108, First Special Session 1971 (Acts 1971, p. 218), which act authorizes demolition of certain buildings in certain cities based on population classification, so as to provide further that notice be given to all mortgagees of such buildings and also providing notice be given to any architectural review boards, historic development commissions or other regulatory boards in such cities.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 140, H. 108, First Special Session 1971 (Acts 1971, p. 218), is hereby amended to read as follows:

“Section 2. The term ‘appropriate city official’ as used in this Act shall mean any city official or city employee designated by the mayor or other chief executive officer of a city coming

under the provisions of this Act as the person to exercise the authority and perform the duties delegated by this Act to the 'appropriate city official.' Whenever the appropriate city official of such city shall find that any building, structure, part of building or structure, party wall or foundation situated in any such city is unsafe to the extent that it is a public nuisance, such official shall give the person or persons, firm, association or corporation last assessing the property for state taxes and all mortgagees of record notice by personally serving upon such person, firm, association, corporation, or mortgagee a copy of said notice to remedy the unsafe or dangerous condition of such building or structure, or to demolish the same, within a reasonable time set out in said notice, which time shall be not less than sixty days or suffer such building or structure to be demolished by such city and the cost thereof assessed against the property. In the event that such personal service is returned "Not Found" after not less than two attempts, such notice may be given by registered or certified mail. The mailing of such registered mail notice, properly addressed and postage prepaid, shall constitute notice as required herein. Notice of such order, or a copy thereof, prior to the delivery or mailing of the same as required by the immediately preceding sentence, shall also be posted at or within three feet of an entrance to the building or structure, provided that if there is no entrance such notice may be posted at any location upon such building or structure.

"Notice should then be given to any architectural review board and any historic development commission and to any other board or committee or commission of such cities with authority to regulate or advise regarding construction and demolition, if said building is within the city's historic districts or in any area of the city which in the future would be placed under the jurisdiction of any architectural review board or any such commission.

"Should said structure be listed on the Consensus List of National Register of Historic Places within an established Historic District or on the National Register of Historic Places, the building inspectors of said cities are empowered to inspect said structure for the safety of the public and the protection of the building. Further, the building inspector shall issue the owners a minimum repairs notice setting out work necessary to keep the structure weatherproof, so far as is reasonably possible, to prevent danger to persons in or adjoining the building, to prevent further deterioration and to prevent access by intruders or vandals.

"Should such notice not be complied with within sixty days, all necessary employees of such municipality are hereby expressly authorized to enter upon said private property for the

purpose of making said minimum maintenance repairs. The cost of same shall be rendered in itemized report and shall constitute a special assessment against said property. A copy of said report of costs will be forwarded to the appropriate official charged with collection of taxes and assessments whereupon it shall be the duty of said official to add the amount of the respective assessment to the next regular bill for taxes levied against the said property for municipal purposes, and thereafter said amounts shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedure under foreclosure and sale in case of delinquency as provided for ordinary municipal taxes."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:25 P.M.

Act No. 582

H. 1602—Connell

AN ACT

Relating to Houston County; to provide for a minimum annual salary for all full time county employees and to provide that all annual raises for county employees shall become effective only on October 1, of each year.

Be It Enacted by the Legislature of Alabama:

Section 1. In Houston County the minimum annual salary for all full time county employees on a salary basis is hereby established as follows, Viz:

Effective October 1, 1973 \$5,100.00.

The provisions of this Section shall not apply to any county employee paid on an hourly basis.

Section 2. After October 1, 1973 all annual raises for county employees shall be effective only on October 1 each year.

Section 3. All laws or parts of laws which conflict with the provisions of this Act are hereby repealed.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:30 P.M.

Act No. 583

H. 1603—Mathews

AN ACT

Relating to counties having populations of not less than 10,660 nor more than 10,900, according to the most recent federal decennial census; to provide for an expense allowance for the sheriff in such counties; to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 10,660 nor more than 10,900, according to the most recent federal decennial census, the sheriff shall be entitled to an expense allowance not to exceed two hundred and fifty dollars (\$250.00) per month. Such allowance shall be in addition to any other compensation or allowances prescribed by law for such sheriffs, and shall be payable from any funds controlled by the county Commission.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall take effect on the first day of the month following its enactment.

Approved August 27, 1973.

Time: 5:30 P.M.

Act No. 584

H. 1604—Connell

AN ACT

To amend Act No. 2017, Alabama Law (Regular Session, 1971) "To provide for the control and disposition of abandoned automobiles in Houston County in the State of Alabama; to require the licensing of automobile junk yards; to set the license fee and the depositing of such funds; to authorize the county and the municipal governing bodies to promulgate rules and regulations and to adopt ordinances relating to the disposition of abandoned automobiles and the operation of automobile junk yards.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 2017, Alabama Law (Regular Session, 1971,) is hereby amended by amending Section 4 thereof to read as follows:

Section 4. This Act is cumulative and shall not be construed as limiting or restricting any power or authority of any municipality to provide for the control and disposition of abandoned automobiles within its corporate limits by properly enacted ordinances of no less lenience than this Act.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:30 P.M.

Act No. 585

H. 1605—Connell

AN ACT

To provide for the relief of R. J. Stembridge, J. B. Davis, W. Harvey Hicks, W. E. Yance, Harlie Halstead, Thomas Littlefield, A. A. Middleton, Ed Tolar, Dorman Frith and Jack Wise, all of Houston County; making an appropriation of Five Thousand Thirty Nine Dollars and Forty Cents from the Gasoline fund of said county.

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of Five Thousand Thirty Nine Dollars and Forty Cents (\$5,039.40), or so much thereof as may be necessary, is hereby appropriated from the gasoline fund of Houston County for the relief of R. J. Stembridge, J. B. Davis, W. Harvey Hicks, W. E. Yance, Harlie Halstead, Thomas Littlefield, A. A. Middleton, Ed Tolar, Dorman Frith and Jack Wise.

Section 2. The said R. J. Stembridge, J. B. Davis, W. Harvey Hicks, W. E. Yance, Harlie Halstead, Thomas Littlefield, A. A. Middleton, Ed Tolar, Dorman Frith and Jack Wise, shall each be paid from the appropriation herein made the amount paid by him to the county in satisfaction of charges made in the report of examiners of the Board of Revenue and Control and Houston County Commission of Houston County for the period October 1, 1970-September 30, 1972, as filed May 24, 1973 with respect to certain work and materials used on church yards of said county.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:30 P.M.

Act No. 586

H. 1606—Connell

AN ACT

To provide an expense allowance for the Clerk Circuit Court and the Register of the Circuit Court of Houston County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The Clerk of the Circuit Court and Register of the Circuit Court shall be entitled to receive an expense allowance of Seventy Five Dollars (\$75) per month which shall be in addition to any and all other compensation and expenses provided for by law. Said expense allowances shall be payable in equal monthly installments out of the general fund of Houston County and shall expire and no longer be paid upon the expiration of the term of the incumbent in each of said offices.

Section 2. All laws or parts of laws which conflict with the provisions of this Act are hereby repealed.

Section 3. This Act shall become effective October 1, 1973.

Approved August 27, 1973.

Time: 5:30 P.M.

Act No. 587

H. 1607—Cauthen, Slate

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the Town of Falkville, in Morgan County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the Town of Falkville in Morgan County, Alabama are hereby altered, rearranged and extended so as to include within the corporate limits of said town, in addition to the lands now included, all of the following territory, to-wit:

Beginning at the northwest corner of Section 1, Township 8 South, Range 4 West, and running thence in an easterly direction along the northerly line of said Section 1 to the northeast corner of said Section 1; thence in a southerly direction along the easterly line of said Section 1 to the northwest corner of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 6, Township 8 South, Range 3 West; thence easterly along the northerly line of said SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 6 to the northeast corner of said SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 6; thence in a southerly direction along the easterly line of said SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 6, and the easterly line of the said SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 6, and the easterly line of the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 7, Township 8 South, Range 3 West, and the easterly line of the N $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 7, Township 8 South, Range 3 West, to the southeast corner of said N $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 7; thence in a westerly direction along the southerly line of the N $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 7, and the southerly line of the N $\frac{1}{2}$ of the S $\frac{1}{2}$ of the N $\frac{1}{2}$ of Section 12, Township 8 South, Range 4 West, to the southwest corner of said N $\frac{1}{2}$ of the S $\frac{1}{2}$ of the N $\frac{1}{2}$ of said Section 12, and the southerly line of E $\frac{1}{2}$ of N $\frac{1}{2}$ of S $\frac{1}{2}$ of N $\frac{1}{2}$ of Section 11, Township 8 South, Range 3 West, to the southwest corner of said E $\frac{1}{2}$ of N $\frac{1}{2}$ of S $\frac{1}{2}$ of N $\frac{1}{2}$ of said Section 11; thence in a northerly direction along westerly line of said E $\frac{1}{2}$ of N $\frac{1}{2}$ of S $\frac{1}{2}$ of N $\frac{1}{2}$ and the westerly line of N $\frac{1}{2}$ of N $\frac{1}{2}$ of said Section 11, and the westerly line of E $\frac{1}{2}$ of Section 2, Township 8 South, Range 3 West, to the northwest corner of said E $\frac{1}{2}$ of Section 2; thence easterly along the northerly line of Section 2 to northeast corner of Section 2 to northeast corner of Section 2, the true point of beginning.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:30 P.M.

Act No. 588

H. 1608—Stewart, Merrill, Burgess

AN ACT

To alter, rearrange and extend the boundaries and corporate limits of the City of Weaver, Calhoun County, Alabama, so as to annex certain territory to the city.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries and corporate limits of the City of Weaver, Calhoun County, Alabama, are hereby altered, rearranged and extended so as to include within the corporate limits of the city, the following described territory in addition to the area now embraced within such boundaries and corporate limits, to-wit:

A parcel of property in the E $\frac{1}{2}$ of the W $\frac{1}{2}$ of Section 3, Township 15 South, Range 8 East, Calhoun County, Alabama, being more particularly described as follows: Beginning at the southeast corner of the southeast quarter of the northwest quarter of said Section 3 which is marked by a brass cap; thence north 1°50' west 341.83 feet to the intersection of the east line of said quarter and the western right of way of the Anniston and Jacksonville Highway (No. 21) which is the point of beginning of the property conveyed herein; thence north 1°50' west 386.49 feet to the intersection of the eastern right of way of the old Jacksonville and Anniston Pike Road; thence south 59°56' west along the eastern right of way of said road 96.4 feet to the beginning of a 3° and 3' curve to the left; thence along said curve to the left a distance of 290.40 feet and a cord bearing of south 54°37' west to a concrete marker; thence south 50° and 12' west 149.55 feet to the center of a road; thence south 76°40' east along the center of said road 250 feet to a point; thence south 48°33' east 153.30 feet to the east line of said Anniston-Jacksonville Highway; thence north 119.64 feet along the east right of way line of said highway to the point of beginning, less and except any portion of said property lying in said road right of way along the southwesterly border of said property. It being the intention to convey that portion of the property lying north of a BIT. Road shown on a plat recorded at Book 1172, Pages 138 and 139, in the Probate Office of Calhoun County, Alabama.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:30 P.M.

Act No. 589

H. 1609—Grey (D)

AN ACT

To alter, rearrange and extend the corporate limits of the Town of Millport, Lamar County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the corporate limits of the Town of Millport, Lamar County, Alabama, be altered, rearranged and extended to include the following territory:

The SE $\frac{1}{4}$, Section 21, Township 17, Range 15 — 160 acres;

The E $\frac{1}{2}$ of SW $\frac{1}{4}$, Section 21, Township 17, Range 15 — 80 acres;

The NE $\frac{1}{4}$, Section 28, Township 17, Range 15 — 160 acres;

The E $\frac{1}{2}$ of NW $\frac{1}{4}$, Section 28, Township 17, Range 15 — 80 acres;

The E $\frac{1}{2}$ of SW $\frac{1}{4}$, Section 24, Township 17, Range 15 — 80 acres;

The SE $\frac{1}{4}$, Section 24, Township 17, Range 15 — 160 acres;

The SW $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 19, Township 17, Range 14 — 40 acres;

The W $\frac{1}{2}$ of SW $\frac{1}{4}$, Section 19, Township 17, Range 14 — 80 acres;

The W $\frac{1}{2}$ of NW $\frac{1}{4}$, Section 30, Township 17, Range 14 — 80 acres;

The NE $\frac{1}{4}$, Section 25, Township 17, Range 15 — 160 acres;

The E $\frac{1}{2}$ of NW $\frac{1}{4}$; Section 25, Township 17, Range 15 — 80 acres.

Section 2. All laws or parts of laws, general, special and local in conflict with this Act, be and the same are hereby repealed.

Section 3. This act shall go into effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:30 P.M.

Act No. 590

H. 1610—Stewart, Burgess, Merrill

AN ACT

TO PROVIDE IN CALHOUN COUNTY, ALABAMA, FOR THE CREATION AND MAINTENANCE OF DISTRICTS FOR FIGHTING OR PREVENTING FIRES; TO PROVIDE THAT ANY SUCH DISTRICT

MAY BE CREATED FOR ANY AREA UPON THE CONDITIONS AND IN THE MANNER PROVIDED FOR IN THE ACT; TO PROVIDE THAT UPON THE PETITION OF AT LEAST 100 QUALIFIED ELECTORS RESIDING WITHIN ANY PROPOSED DISTRICT THE PROBATE JUDGE SHALL CALL AN ELECTION AT WHICH THERE SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS RESIDING WITHIN THE PROPOSED DISTRICT THE QUESTION OF WHETHER THE PROPOSED DISTRICT SHALL BE CREATED; TO PROVIDE WHAT THE PETITION FOR SUCH ELECTION SHALL CONTAIN; TO PROVIDE FOR THE TIME AND THE CONDUCT OF SUCH ELECTION; TO PROVIDE THAT THE COUNTY SHALL PAY THE EXPENSE OF CONDUCTING SUCH ELECTION; TO PROVIDE THAT IF THE DISTRICT IS CREATED THE DISTRICT SHALL REIMBURSE THE COUNTY FOR THE EXPENSES INCURRED BY THE COUNTY IN RESPECT TO THE ELECTION; TO PROVIDE THAT AFTER A DISTRICT HAS BEEN ESTABLISHED THE DISTRICT SHALL PAY THE EXPENSE OF ANY ELECTION HELD IN THE DISTRICT OR HELD IN ANY AREA WHICH IT IS PROPOSED BE ADDED TO THE DISTRICT; TO PROVIDE THAT NO DISTRICT SHALL BE CREATED UNLESS THE CREATION THEREOF HAS BEEN APPROVED BY THE MAJORITY OF VOTES CAST AT THE ELECTION; TO PROVIDE THAT IF THE CREATION OF THE PROPOSED DISTRICT IS APPROVED BY THE MAJORITY OF VOTES CAST AT THE ELECTION, THE PROPOSED DISTRICT SHALL BE CREATED AND SHALL CONSTITUTE A PUBLIC CORPORATION; TO PROVIDE THAT A DISTRICT MAY BE ENLARGED BY THE INCLUSION OF ADDITIONAL AREA THEREIN, PROVIDED THE INCLUSION OF SUCH AREA IN THE DISTRICT IS APPROVED BY THE MAJORITY OF VOTES CAST BY THE QUALIFIED ELECTORS RESIDING WITHIN THE PROPOSED ADDITIONAL AREA; TO PROVIDE FOR THE TIME AND CONDUCT OF SUCH ELECTION; TO PROVIDE THAT THE AFFAIRS AND BUSINESS OF THE DISTRICT SHALL BE MANAGED BY A BOARD OF TRUSTEES CONSISTING OF FIVE MEMBERS APPOINTED BY THE GOVERNING BODY OF THE COUNTY; TO PROVIDE FOR THE TERMS OF OFFICE OF THE MEMBERS OF THE BOARD; TO PROVIDE THAT THE BOARD OF TRUSTEES SHALL ELECT FROM ITS OWN NUMBER A PRESIDENT AND A SECRETARY; TO PROVIDE THAT THE MEMBERS OF THE BOARD OF TRUSTEES SHALL NOT BE ENTITLED TO ANY COMPENSATION FOR THEIR SERVICES BUT SHALL BE ENTITLED TO REIMBURSEMENT FOR ALL EXPENSES INCURRED BY THEM IN THE PERFORMANCE OF THEIR DUTIES; TO DEFINE THE RIGHTS, POWERS AND AUTHORITY OF THE DISTRICTS; TO AUTHORIZE ANY SUCH DISTRICT TO PLEDGE ALL OR ANY PART OF ITS REVENUES, OR TO MORTGAGE OR OTHERWISE ENCUMBER ALL OR ANY PART OF ITS PROPERTY FOR THE PURPOSE OF SECURING THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON ANY OF ITS OBLIGATIONS; TO AUTHORIZE ANY SUCH DISTRICT TO LEVY AND COLLECT SERVICE CHARGES AS PROVIDED FOR IN THE ACT AND, SUBJECT TO THE LIMITATIONS PRESCRIBED IN THE ACT, TO PROVIDE THAT NO SUCH SERVICE CHARGE SHALL BE LEVIED UNLESS THE SAME IS FIRST APPROVED BY A MAJORITY OF THE VOTES CAST AT AN ELECTION HELD BY THE QUALIFIED ELECTORS RESIDING WITHIN THE DISTRICT; TO PROVIDE FOR THE DISSOLUTION OF ANY SUCH DISTRICT; TO PROVIDE THAT THE PROVISIONS OF THE ACT ARE SEVERABLE; TO REPEAL ALL LAWS, OR PARTS OF LAWS, IN CONFLICT WITH THE ACT; AND TO PROVIDE WHEN THE ACT SHALL TAKE EFFECT.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply to Calhoun County, Alabama and to no other county.

Section 2. Definition. The following words and terms as used in this Act shall have the meanings ascribed to them in this Section 2, unless a contrary meaning is apparent from the context; "the Act" shall mean this Act: "the County" shall mean Calhoun County, Alabama; "district for fighting fires" shall mean a district created under the Act for establishing and maintaining a system for fighting or preventing fires.

Section 3. Any area situated entirely within the County may be established as a district for fighting fires in the manner hereinafter provided for; provided, however, no land lying within the boundaries of a municipality at the time a district is formed shall be included in the district.

Section 4. Upon any petition provided for in this Section 4, being filed in the office of the Probate Judge of the County, he shall order an election to be held in the proposed district on the question, or questions, on which the petition requests in election.

The petition shall be signed by at least 100 qualified electors residing within the boundaries of the proposed district.

The petition shall contain a description of the area which it is proposed to be established as a district under the provisions of the Act; and the petition shall request the Probate Judge to call an election on the following question: Shall there be created for the area a district for fighting fires?

The petition shall state the name of the proposed district. The Board of Trustees of a district may change the name of the district by filing in the office of the Probate Judge of copy of a resolution changing the name thereof, which copy shall be certified by the President of the Board of Trustees.

The petition for election on the establishment of a district may be accompanied by a petition for an election on the question of levying a proposed service charge which last named petition shall be signed by at least 100 qualified electors residing within the proposed district. A petition for an election on the establishment of a district shall be deemed to be accompanied by a petition for an election on the question of levying a proposed service charge, if the request for the election on the proposed district and the request for an election the proposed service charge are combined in a single petition.

Section 5. When a petition for the holding of any election hereunder is filed with the Probate Judge not less than thirty

days and not more than sixty days prior to some other election to be held in the territory in which an election is sought by the petition, the Probate Judge shall order the election sought by the petition to be held on the same day as such other election is held.

If the petition is not filed at such time as will permit the election sought thereby to be held at the time some other election is held, as provided for in the next foregoing sentence, the Probate Judge shall order the election sought by the petition to be held on a day not less than thirty days nor more than forty days from the date on which the Probate Judge enters said order.

The provisions of this Section 5, shall apply to all elections provided for by the Act.

Section 6. The provisions of the election laws governing the registration of voters, equipment at polling places, furnishing of supplies, appointment of election officers, voting and canvassing returns at a general election shall apply to any election held hereunder.

Section 7. The Probate Judge shall give notice of any election held under this Act by publishing for three weeks at least once a week, on the same day of each week, in a newspaper of general circulation in the territory where said election is to be held, a notice that on the day fixed for the election the questions to be then voted on will be submitted to the electors of the said territory.

Section 8. Where an election is held on the question of the establishment of a district, the governing body of the County shall pay for the necessary expense of advertising and conducting such election out of the general funds of the County; provided, however, that if the district is established, the district shall reimburse the County for the expenses incurred by the County in respect to said election.

After a district has been established, the district shall pay the expense of any election held in the district or held in any area which it is proposed to be added to the district.

Section 9. No district shall be created unless the creation thereof is approved by the majority of votes cast at the election at which the proposed creation is submitted. Upon the officers canvassing the returns of the election certifying that the creation of the district was approved by the majority of the votes cast at such election, the proposed district shall be created and shall constitute a public corporation.

Section 10. The affairs and business of the district shall be managed by a Board of Trustees consisting of five members appointed by the governing body of the County. No person shall be appointed to said Board unless he is a qualified elector of the district: Appointment shall be for a term of five years provided, however, that to stagger the terms one of the five members first appointed shall be appointed for a term of one year, one shall be appointed for a term of two years, one shall be appointed for a term of three years, one shall be appointed for a term of four years and one shall be appointed for a term of five years.

The Board of Trustees shall elect annually from its own number a President and a Secretary. The members of the Board of Trustees shall not be entitled to any compensation for their services; but they shall be entitled to reimbursement for all expenses incurred by them in the performance of their duties.

Section 11. The district shall constitute a public corporation, which shall have the power to do any and all acts or things necessary and convenient for carrying out the purposes for which it is created including, but not limited to. To sue and be sued. To have a seal and alter the same at pleasure. To acquire, hold and dispose of property, real and personal, tangible and intangible, or interests therein and to pay therefor in cash or on credit, and to secure and procure payment of all or any part of the purchase price thereof on such terms and conditions as the board shall determine. To acquire, own, operate, maintain and improve a system or systems. To pledge all or any part of its revenues, or mortgage, or otherwise encumber, all or any part of its property for the purpose of securing the payment of the principal of and interest on any of its obligations. To sell, lease, mortgage or otherwise encumber or dispose of all or any part of its property, as hereinafter provided. To contract debts, borrow money and to issue or assume the payment of obligations. To levy and collect service charges, as herein provided in this Act, subject to the limitations prescribed in said Act. To employ agents, servants, and attorneys. To perform any and all of the foregoing acts and to do any and all of the foregoing things under, through or by means of its own officers, agents, and employees, or by contracts with any person, federal agency or municipality.

Section 12. The expense of establishing and maintaining a district shall be paid for by the proceeds of a service charge which shall be levied and collected in an amount sufficient to pay said expense. Said service charge shall be levied upon and collected from persons and properties served by the system. Such charge shall be a personal obligation of the occupant of the prop-

erty served by the system; and to secure the collection of the charge there shall be a lien against said property in favor of the district, which lien shall be enforceable by sale thereof in the same manner in which the foreclosure of a municipal assessment for public improvements is authorized.

Section 13. No service charge shall be levied unless the same has been first approved by the majority of the votes cast at an election held hereunder by the qualified electors residing within the district, or within the proposed district.

An election on the question of levying a service charge in a proposed district may be held at the same time that the election is held on the creation of the district, provided that the petition for the election on the question of the service charge accompanies the petition for the election on the establishment of the proposed district, as is provided for in Section 4, above. An election on the question of a service charge may be held upon the Board of Trustees of a district submitting to the Probate Judge a petition for such election as hereinafter provided. The Board of Trustees shall file in the office of the Probate Judge a petition that he call an election in the district on the question of whether the service charge proposed by the Trustees shall be levied.

The petition shall state specifically the charge which it is proposed shall be levied. The petition may request that an election be held on more than one proposed charge. Upon the petition being filed with the Probate Judge, he shall order an election to be held within the time provided for by Section 5, above.

Section 14. (a) A district may be enlarged in accordance with the terms of this Section 14, provided, however, that no area lying within a municipality at the time of the enlargement shall be brought within the district. (b) No area shall be brought within a district by enlargement unless the majority of the votes cast at the election provided for by subsection (c), below, approve the inclusion of the area within the district and also approve every service charge in effect within the district at the time of the election. (c) the term "proposed area", as used in this subsection (c), means an area which it is proposed be brought within a district by enlargement of the district. When the Board of Trustees of a district determines that the inclusion of a proposed area within the district would be to the advantage of the district and also to the advantage of the majority of the inhabitants of the proposed area, the Board of Trustees may file in the office of the Probate Judge a petition that there be an election in the proposed area at which here shall be submitted to the qualified electors residing within the proposed area the question of whether the proposed area shall be included within the district and also the question of whether every service charge

in effect within the district at the time of the election is approved. Upon such petition being filed, the Probate Judge shall order an election to be held within the proposed area, within the time provided for in Section 5, above, at which election the qualified electors residing within the proposed area shall vote on the two foregoing questions. Unless the majority of votes cast at the election vote in the affirmative on each of the foregoing questions, the proposed area shall not be included within the district. Upon the officers canvassing the returns of the election certifying that the majority of votes cast was in favor of the inclusion of the proposed area in the district, and that the majority of the votes cast approved every service charge in effect within the district at the time of the election the proposed area shall become a part of the district.

Section 15. Any district created hereunder may be abolished in the manner provided for in this Section 16; provided, however, that no district shall be abolished when it has any indebtedness.

Upon the petition for abolition of a district, conforming to the requirement set forth below, being filed with the Probate Judge he shall order an election on abolition of the district to be held in the district within the time provided for by Section 4, at which qualified electors residing within the district shall be entitled to vote. The petition shall be signed by at least 100 qualified electors of the district. It shall contain a recital that the district is not indebted; and it shall request the Probate Judge to order an election on whether the district shall be abolished. Upon the officers canvassing the returns of the election certifying that abolition of the district was approved by a majority of the votes cast at the election, the district shall be abolished.

Section 16. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the parts which remain.

Section 17. All laws or parts of laws, whether general, special or local, in conflict with this Act are hereby repealed.

Section 18. This Act shall take effect upon its approval by the Governor or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:30 P.M.

Act No. 591

H. 1611—Goodwin

AN ACT

Relating to the management of the public records of Colbert County;

providing for the photographing or microphotographing of such public records and for the admissibility in evidence of photographed or microphotographed copies of records required to be kept by public officers of Colbert County, and for payment of the cost incurred in the purchase of photographic or microphotographic equipment; to authorize the photographing or microphotographing of old documents and records presently held as public records of Colbert County; to authorize the destruction of old documents not otherwise stored with the State Department of Archives and History.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commissioners of Colbert County may require the photographing or microphotographing, on plate or film of any record, document, plat, court file, book, map, paper, or writing made, acquired, or received as required by law by any official of Colbert County except those records that the board of registrars is required by law to make and keep, which may be photographed or microfilmed only if this procedure is approved unanimously by the board of registrars. Such photographs, microfilms, or prints made therefrom, when duly authenticated by the custodian thereof, shall have the same force and effect at law as the original record, or of a record made by any other legally authorized means, and may be offered in like manner and shall be received in evidence in any court where such original record, or record made by other legally authorized means, could have been so introduced and received. In like manner, reproductions made from such records by photographic or like process when otherwise in compliance with applicable statutes, rules and regulations, shall be received and treated in any court of this State as fully as would a transcription or reproduction of such records made by any other means or process.

Section 2. The court or board is authorized to charge to any office, court, board, institution, department or agency of the county the cost of photographing or microphotographing of public records belonging to that office, court, board, institution, department, or agency, by the charging of the cost of such work to that office, court, board, institution, department or agency's appropriation from the county budget.

Section 3. The court or board may from time to time appropriate amounts out of the general fund of the county sufficient to pay the cost of photographing or microphotographing the public records belonging to the county, and may from time to time appropriate amounts sufficient to purchase necessary photographic or microphotographic equipment, materials and supplies therefor.

Section 4. The custodian of public records is authorized to photograph or microphotograph all public records existing as of the effective date of this act, and after such records have been

processed and checked for clarity, all presently existing bound volumes may be offered to the State Department of Archives and History for permanent storage. Such volumes as are refused by the Department may be destroyed unless otherwise prohibited by law.

Section 5. The provisions of this Act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:30 P.M.

Act No. 592

H. 1614—Fite

AN ACT

To provide for additional compensation and method of payment of the Register of the Circuit Court of Marion County, Alabama, In Equity.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply to Marion County, Alabama, only. The Register of the Circuit Court in Equity of said County, in addition to all fees, commissions and other monies paid as compensation to such person by virtue of holding said office and any other office by virtue of holding said office of Register of the Circuit Court, shall be entitled to and shall be paid from the general funds of said County such sum on the first day of each quarter year, being January 1, April 1, July 1, and October 1, as will make the total of all compensation paid to said Register for the immediately preceding quarter year equal the sum of Twelve Hundred Dollars (\$1,200.00).

Section 2. In the event the fees, commissions and monies otherwise (than this Act) paid the Register of the Circuit Court in Equity of Marion County, Alabama, by virtue of holding said office and any other office by virtue of holding said office of Register of the Circuit Court shall exceed the sum of Twelve Hundred Dollars (\$1,200.00) for any calendar quarter year, then no additional compensation shall be paid to the Register by the County for the quarter year only.

Section 3. This Act shall become effective immediately

upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:30 P.M.

Act No. 593

H. 1628—Headley

AN ACT

Applicable to any county having a population of not less than 25,150 nor more than 26,500 according to the most recent federal decennial census; to provide an expense allowance for the coroner of such county.

Be It Enacted by the Legislature of Alabama:

Section 1. The coroner of any county having a population of not less than 25,150 nor more than 26,500 according to the most recent federal decennial census shall receive an expense allowance of \$100.00 per month which shall be paid from the funds of such county.

Such expense allowance shall be in addition to any salary paid the coroner but shall be in lieu of any other expense allowance heretofore provided such coroner.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:30 P.M.

Act No. 594

H. 1629—Headley

AN ACT

Applicable to any county with a population of not less than 25,150 nor more than 26,500 according to the most recent federal decennial census; to provide an expense allowance for the members of the county governing body of such county.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the governing body of any county with a population of not less than 25,150 nor more than 26,500 according to the most recent federal decennial census shall receive an expense allowance of \$100.00 per month which shall be paid each month from the funds of such county. Such expense

allowance shall be in addition to any other salary, compensation, or expense allowance provided such members.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:30 P.M.

Act No. 595

H. 1632—Grey (D)

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the City of Fayette, in Fayette County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the City of Fayette in Fayette County, Alabama are hereby altered, rearranged and extended so as to include within the corporate limits of said city, in addition to the lands now included, all of the following territory, to wit:

S $\frac{1}{2}$ of SE $\frac{1}{4}$, Section 12, Township 16 South, Range 13 West—80 acres;

NE $\frac{1}{4}$, Section 13, Township 16 South, Range 13, West—160 acres;

N $\frac{1}{2}$ of N $\frac{1}{2}$ of NW $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 13, Township 16 South, Range 13, West—10 acres;

SW $\frac{1}{4}$ Section 18, Township 16 South, Range 12 West—160 Acres;

All that part of the NW $\frac{1}{4}$, Section 18, Township 16, Range 12, that is described as follows:

Beginning at NW corner of SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ thence S along W boundary line a distance of 55.6 feet to a point, thence turn an angle to the left 94 degrees 58 minutes and proceed NE a distance of 150 feet to a point on the center line of County Road, thence turn an angle to the left and proceed NW and N along the center of County Road a distance of 395 feet to a point of intersection with a County Road running NW; thence turn an angle to the left and proceed NW along center line of Road to a point of intersection with W boundary line of Section 18, thence turn an angle left and proceed SW along the West boundary of Section 18 to point of beginning.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:30 P.M.

Act No. 596

H. 1634—Crowe, Naramore

AN ACT

Relating to Walker County; to authorize the board of registrars to provide for special registrars who shall go into the precincts taking applications for voter registration; to provide further for the powers, duties and compensation of such special registrars.

Be It Enacted by the Legislature of Alabama:

Section 1. The Walker County board of registrars is hereby authorized and empowered to hire two special voter registrars for Walker County whose duty it shall be to go into the various precincts of Walker County and take applications from prospective voters. All applications for registration taken by the special registrars under the provisions of this bill shall be taken by them to the board of registrars at the county seat for final processing and consideration.

Section 2. The Walker County board of registrars shall appoint two special registrars each three months and no person shall serve as a special registrar more than three months out of each two year period.

Section 3. The special registrars appointed under provisions of this Act shall be paid \$12.00 per day while actually engaged in their duties and shall be paid in the same manner and from the same funds as are the members of the county board of registrars; provided, however, that such special registrars shall not be paid for more than four days work per month.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are repealed.

Section 6. This Act shall become effective immediately

upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:30 P.M.

Act No. 597

H. 1639—Coshatt

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the Town of Ashville in St. Clair County.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary line of the Town of Ashville, St. Clair County, Alabama, be and the same are altered or rearranged so as to include within the corporate limits of said town, all territory now within such corporate limits, and also other territory within St. Clair County, Alabama, described as follows:

The Southeast diagonal one-half of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 7, Township 14 South, Range 4 East; and the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$, all of Section 18, Township 14 South, Range 4 East;

And the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$, all of Section 19, Township 14 South, Range 4 East;

And the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$, all of Section 24, Township 14 South, Range 3 East; the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ and all of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ lying Northwest of St. Clair County Highway No. 33 (Beaver Valley Road); and all of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ lying Northwest of the St. Clair County Highway No. 33 (Beaver Valley Road); and all of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ lying north of State Highway No. 25 and St. Clair County Highway No. 33, all in Section 25, Township 14 South, Range 3 East. The NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 30, Township 14 South, Range 4 East. All the above described lands situated in St. Clair County, Alabama, and being contiguous and adjacent to the present boundary lines of the said Town of Ashville, Alabama.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:30 P.M.

Act No. 598

H. 1640—Crowe, Naramore

AN ACT

Relating to Walker County; creating the office of Assistant District Attorney for the Fourteenth Judicial Circuit; and prescribing the manner of appointment, the compensation and the duties of said office.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created the office of Assistant District Attorney for the Fourteenth Judicial Circuit. The duties of the Assistant District Attorney for the Fourteenth Judicial Circuit shall be to assist prosecutions in the circuit court, and to conduct prosecutions in all county courts or courts of similar jurisdiction in Walker County.

Section 2. The Assistant District Attorney for the Fourteenth Judicial Circuit shall be appointed by the District Attorney of said circuit from a list of candidates submitted by a nominating committee which shall be composed of all circuit judges in said circuit, all judges of county courts or courts of similar jurisdiction in Walker County, and the President of the Walker County Bar Association. The Assistant District Attorney shall receive \$12,500 per annum as total compensation for all duties, from the general funds of Walker County in equal bi-monthly installments, \$7,200 of which shall be paid from state funds in the same manner as other salaries are paid.

(1) The incumbent county solicitor shall continue in office. Upon appointment of the Assistant District Attorney, the County Solicitor shall continue in said office.

- a. Said District Attorney's office shall be maintained in the Walker County Courthouse and said county shall provide office space, supplies, etc.
- b. Additional personnel for the office of the District Attorney shall be added to provide for the necessary clerical help for the operation of this office.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:30 P.M.

Act No. 599

H. 1641—Crowe, Naramore

AN ACT

To amend Section 2 of Act No. 500, S. 423, Regular Session 1963 (Acts 1963, page 1069, Vol. 2), which relates to establishing The Intermediate Court of Walker County in lieu of the Law and Equity Court, so as to increase the maximum amount of a civil action in such court to \$3,000.00 and provide for a graduated schedule of filing fees, according to the dollar amount of such civil action.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 500, S. 423, Regular Session 1963, (Acts 1963, page 1069, Vol. 2), is hereby amended to read as follows:

“Section 2. The Intermediate Court of Walker County shall have the following power, authority, and jurisdiction:

“(a) All power, authority and jurisdiction which was by law vested in the court hereby abolished and which is now, or hereafter may be, conferred on or vested in county courts under the general laws of this State.

“(b) All power, authority, and jurisdiction which is now, or which hereafter may be, conferred on or vested in the juvenile court of Walker County.

“(c) That the court hereby established shall be a court of Record and have and exercise civil jurisdiction in all civil matters of which justices of the peace and inferior courts in lieu of justices of the peace have jurisdiction under the general laws of the state, concurrently with the several justices of the peace and inferior courts in Walker County, and in addition thereto the said courts in Walker County, and, in addition thereto the said court shall have jurisdiction concurrently with the circuit court in all civil cases where the amount in controversy exceeds the jurisdiction of justices of the peace, but not exceed the sum of Three Thousand Dollars (\$3,000.00), provided that where the action is in detinue in which the plaintiff seeks to recover on a

chattel mortgage or on a conditional sale contract, the amount in controversy shall for the purpose of determining jurisdiction be the balance of the mortgage debt or purchase price as the case may be or the value of the property in suit, whichever may be less. Said court shall also have jurisdiction of proceedings for discovery of assets of judgment debtors which it shall exercise in the same manner and according to the same procedure and with the same powers provided by law with respect to civil judgments in Circuit Courts. The filing fees shall be paid to the clerk of said court at the time the suit is filed according to the following schedule:

"Dollar Amount of Civil Action	Filing Fee
\$100.00 - \$1,000.00	\$15.00
\$1,000.00 - \$2,000.00	\$20.00
\$2,000.00 - \$3,000.00.	\$25.00

"(d) Jurisdiction concurrent with the circuit court relating to the custody of children in cases of voluntary separation of husband and wife, which are now, or which hereafter may be vested in the circuit court under the provisions of Section 79, Title 34, Code of Alabama 1940. All power, authority, and jurisdiction relating to domestic relations which is now vested in the Law and Equity Court of Walker County or which hereafter may be conferred on or vested in the probate courts or which is conferred on or vested in the probate courts under the provisions of Article 3 of Chapter 4 of Title 34, Code of Alabama, 1940, or any other laws relating to the duties of a husband toward his wife or any parents toward their children and the Intermediate Court shall have all the power, authority and jurisdiction conferred on or vested in the probate courts under the provisions of Chapter 7 of Title 13, or any other laws relating to juvenile delinquents, probation officers, wards of the State, and dependent children.

"(e) Jurisdiction concurrent with the circuit court of Walker County of all misdemeanors committed in the county.

"(f) Jurisdiction concurrent with the circuit court of Walker County in all matters pertaining to habeas corpus proceedings instituted in Walker County, and in all matters pertaining to divorce proceedings held under the provisions of Chapter 2 of Title 34, Code of Alabama 1940."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:30 P.M.

Act No. 600

H. 1642—Fite

AN ACT

To provide for additional compensation and method of payment of the Register In Equity of the Circuit Court of counties having a population of not less than 16,600 nor more than 16,950 inhabitants according to the most recent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only to counties having a population of not less than 16,600 nor more than 16,950 inhabitants according to the most recent federal decennial census. The Register of the Circuit Court in Equity of such a County in addition to all fees, commissions and other monies paid as compensation to such person by virtue of holding said office and any other office by virtue of holding said office of Register of the Circuit Court, shall be entitled to and shall be paid from the general funds of said County such sum on the first day of each quarter year, being January 1, April 1, July 1, and October 1, as will make the total of all compensation paid to said Register for the immediately preceding quarter year equal the sum of One Thousand Dollars (\$1,000.00).

Section 2. In the event the fees, commissions and monies otherwise (than this Act) paid the Register, by virtue of holding said office and any other office by virtue of holding said office of Register of the Circuit Court shall exceed the sum of One Thousand Dollars (\$1,000.00) for any calendar quarter year, then no additional compensation shall be paid to the Register by the County for that quarter year only.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:30 P.M.

Act No. 601

H. 1644—Reid (R)

AN ACT

Relating to Blount County; requiring every county officer, including members of the House of Representatives, within such county to file with the probate judge certain financial data; and providing penalties for failure to comply with the provisions of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. In Blount County every county officer, including members of the State House of Representatives, receiving

any compensation for performing the duties of his office shall file with the probate judge in January of each year, beginning in January, 1974, an annual financial statement showing the amount of compensation for the performance of the duties of his office that he received during the immediately prior year. Compensation shall include any fees, allowances or salaries paid to such officer for the performance of any of the duties of his office. Provided, however, if said officer is paying his employees from his personal funds then such amount may be deducted from his gross compensation.

The probate judge shall keep on file the financial statements required to be filed under the provisions of this act. He shall also publish in February of each year, beginning in February, 1974, a copy of said financial statements and said publications shall be in a newspaper published in general circulation in Blount County.

Section 2. Any county officer, and any probate judge of the county who violates any of the provisions of this act is guilty of a misdemeanor and upon conviction shall be punished as provided by law.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:30 P.M.

Act No. 602 H. 1648—Lutz, Grainger, Hearn, King, Hale

AN ACT

To provide for the appointment and compensation of a bailiff for use by the Grand Jury of Madison County, Alabama; to place such bailiff under the supervision of the Madison County District Attorney; to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The District Attorney of Madison County shall have the power and authority to appoint a bailiff to serve the Grand Jury of such county when it is in session, or when his services are deemed necessary by the District Attorney in preparation for a session or meeting of the Grand Jury of such county.

Section 2. Each bailiff so appointed shall receive an annual salary determined and set by the Madison County Commission,

payable in monthly installments out of the treasury of the county upon proper warrant drawn upon the General Fund of Madison County, except that any bailiff appointed under this Act shall be paid only for those days, weeks, or other portions of any particular month that he shall be so engaged to work, it being the intent of this Act that the position so authorized by it shall be a part-time position and that any person employed by authority of this Act and paid pursuant to it shall not be considered a full-time county employee.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:30 P.M.

Act No. 603 H. 1656—Grainger, King, Hale, Hearn, Lutz

AN ACT

To alter or rearrange the boundary lines of the City of Huntsville in Madison County, Alabama, so as to include within the corporate limits and within the boundaries of said city all territory and property now within such corporate limits, and also certain other additional territory in Madison County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the City of Huntsville in Madison County, Alabama, be and hereby are altered or rearranged so as to include within the corporate limits and within the boundaries of said municipality all territory now within the corporate limits and within the boundaries of said municipality, and also certain other territory in Madison County, Alabama, described as follows, to-wit:

All that part of the Southwest Quarter of Section 30, Township 4 South, Range 1 East, Madison County, Alabama, particularly described as beginning at a point on the West margin of Whitesburg Drive; said point being located due West 50.0 feet from the center of the South boundary of Section 30, Township 4 South, Range 1 East; thence from the place of true beginning due West along the South boundary of Section 30, Township 4 South, Range 1 East, 252.9 feet to a point on the East margin of the right-of-way of the Louisville & Nashville Railway; thence North 15 degrees 20 min-

utes West along the East margin of the Louisville and Nashville Railway right-of-way 50.0 feet measured at right angles from the centerline of same a distance of 451.7 feet; thence North 49 degrees 30 minutes East 507.1 feet to a point on the West margin of Whitesburg Drive; thence South 0 degrees 15 minutes East along the West margin of said Whitesburg Drive 757.5 feet to the place of beginning.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:30 P.M.

Act No. 604

H. 1668—Carnes, Wynot, Waldrop

AN ACT

To amend Section 2 of Act No. 1810, H. 2248, Regular Session 1971 (Acts 1971, p. 2979) relating to the meetings of Boards of Registrars in counties having populations of not less than 90,000 nor more than 100,000, according to the most recent federal decennial census so as to provide further for the acceptance of applications for registration in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 1810, H. 2248, Regular Session 1971 (Acts 1971, p. 2979) is amended to read as follows:

“Section 2. In all such counties, one member of the Board of Registrars shall be available at the office of the Board at the courthouse for the purpose of accepting applications for registration of voters Monday through Friday of each week, except for the week during which the Fourth of July occurs and all legal holidays. All applications accepted when only one registrar is available at the office of the Board shall be presented to and acted on by the full Board at their first meeting after the acceptance of such application. Any member of the Board of Registrars who serves pursuant to this Section when the full Board is not in session shall be entitled to receive the same compensation for such days service as he is entitled to receive for a day on which he meets with the full Board. Each member of such Boards of Registrars shall be entitled to receive the same compensation he regularly receives as a member of a Board for the week during which the Fourth of July occurs and the offices of the Boards of Registrars are closed. Such compensation shall be paid in the same

manner and from the same sources that their regular compensation as a member of a Board of Registrars is paid."

Section 2. This Act shall become effective on the first day of the first month following its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:30 P.M.

Act No. 605

H. 1679—Hardin, Edwards

AN ACT

To prescribe duties and powers of the stenographic secretary of District Attorney of the second Judicial Circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. Any stenographic secretary of the District Attorney of the Second Judicial Circuit of Alabama is hereby empowered, when so directed by the District Attorney, to attend the Grand Juries of the counties comprising the Second Judicial Circuit, prepare indictments and documents arising therefrom, and administer oaths in connection therewith or in any other investigations being conducted by the said District Attorney's office.

Section 2. All laws and parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:30 P.M.

Act No. 606

H. 1680—Mims, Warren

AN ACT

To alter or rearrange the boundary lines of the town of Excel, Monroe County, Alabama, so as to include in the corporate limits of the said town all territory now within such corporate limits and also certain other territory contiguous thereto in Monroe County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the town of Excel, Monroe County, Alabama be and the same are hereby altered or rearranged so as to include all the territory heretofore encompassed by the corporate limits of the town of Excel and in addition thereto the following described territory to wit:

Beginning at the Northwest corner of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 2 T5N, R7E, being the Northeast corner of the existing corporate limits of Excel, Alabama; thence East $\frac{1}{8}$ mi. to the Northeast corner of the West half of the SW $\frac{1}{4}$ of NE $\frac{1}{4}$; thence South 3-16 mi. to the North line of the S $\frac{1}{2}$ of S $\frac{1}{2}$ of S $\frac{1}{2}$ of the Northeast quarter of Section 2, T5N, R7E; thence East $\frac{3}{8}$ mi. to the East line of Section 2; thence South $\frac{1}{8}$ mi. to the South line of the N $\frac{1}{2}$ of N $\frac{1}{2}$ of N $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 2; thence West $\frac{1}{2}$ mi. to the West line of the E $\frac{1}{2}$ of Sec. 2, being the East line of the existing corporate limits of Excel, Alabama; thence North 5-16 mi. to the point of beginning, embracing an area of 55 acres, more or less.

Also: Beginning at the Northeast corner of the S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 3, T5N, R7E, being the Southwest corner of the existing corporate limits of Excel, Alabama, thence West $\frac{1}{4}$ mi. to the West line of the SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 3; thence South $\frac{3}{8}$ mi. to the Southwest corner of the NW $\frac{1}{4}$ of NE $\frac{1}{4}$, Sec. 10, T5N, R7E; thence East $\frac{1}{2}$ mi. to the East line of Sec. 10; thence North $\frac{3}{8}$ mi. to the Northeast corner of the S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 3, T5N, R7E, and being the South line of the existing corporate limits of Excel, Alabama; thence West $\frac{1}{4}$ mi. to the point of beginning, and embracing an area of approximately 120 acres.

The above described parcels are intended to be a description of and to embrace the West half (W $\frac{1}{2}$) of the SW $\frac{1}{4}$ of NE $\frac{1}{4}$; the S $\frac{1}{2}$ of S $\frac{1}{2}$ of the E $\frac{1}{2}$ of the SW $\frac{1}{4}$ of NE $\frac{1}{4}$; the S $\frac{1}{2}$ of S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of NE $\frac{1}{4}$; and the N $\frac{1}{2}$ of N $\frac{1}{2}$ of N $\frac{1}{2}$ of the SE $\frac{1}{4}$, all in Section 2; T5N R7E. Also, the S $\frac{1}{2}$ of S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 3, T5N, R7E and the N $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 10, T5N, R7E, all in Monroe County, Alabama.

Section 2. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:30 P.M.

Act No. 607

H. 1681—Cross, Carter

AN ACT

Relating to counties having populations of not less than 27,000 nor more than 27,900; providing an expense allowance for the members of the jury commission in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member and the clerk of the jury commission in all counties having populations of not less than 27,000 nor more than 27,900 according to the most recent federal decennial census shall be paid an expense allowance of \$200 per annum. Such allowance shall be in addition to all other allowances prescribed by law and shall be paid in equal installments out of the county treasury as the salary and expense allowances of other county officers are paid.

Section 2. All laws or parts of laws conflicting with this act are repealed and Act No. 118, H. 107, Special Session 1969 (Acts 1969, p. 189) is hereby specifically repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:30 P.M.

Act No. 608

H. 1685—Lutz, King, Hearn, Hale, Grainger

AN ACT

Pertaining to Madison County; To provide for the temporary release, at the court's discretion, of certain prisoners in county or city jails for the purpose of obtaining and working at gainful employment.

Be It Enacted by the Legislature of Alabama:

Section 1. Any person who has been committed to the County Jail or to any City Jail in Madison County under a criminal sentence may be released therefrom at the discretion of the sentencing court, either on its own motion or upon the motion of the defendant, at the time of sentence or at any time during the term of sentence, for the purpose of obtaining and working at gainful employment or for such other purpose as the court may deem conducive to his rehabilitation, for such time or intervals of time and under such terms and conditions as the court may order. Any part of a day spent outside of jail under such a release order shall be counted

as a full day toward the serving of the sentence unless otherwise provided by the court. If a person violates the terms and conditions laid down for his conduct, custody and employment, he shall be returned to the sentencing court. The court may then require that the balance of the person's sentence be spent in actual confinement and may cancel any earned reduction of his term.

Section 2. Any person who has been sentenced to the Madison County jail or any city jail within Madison County, and who has been ordered released under the provisions of Section 1 hereof, may at the time of sentence or at any time while any part thereof remains unserved, be required by the sentencing court to report to the jail to which he has been sentenced to be incarcerated during weekends or at such times or intervals of time as the court may direct. Time so spent in said jail shall be deducted from the term of the sentence. Any part of a day spent in the institution shall count as a full day toward the sentence. In no event shall the number of days confinement exceed the number of days in the original sentence.

Section 3. Any person released under Section 1 of this Act, or ordered confined under Section 2, who wilfully fails to report for confinement as ordered shall be deemed to have escaped from the institution to which he has been sentenced and upon conviction shall be subject to the punishment provided for escape therefrom.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:30 P.M.

Act No. 609

H. 1686—Grey (D)

AN ACT

Relating to Fayette County; further regulating the compensation of members of the county board of education.

Be It Enacted by the Legislature of Alabama:

Section 1. The members of the county board of education in Fayette County shall each be paid from the public school funds of the county the sum of twenty dollars per meeting of the board. Provided, such members shall not be paid for more than twenty four days in any one year. In addition to such compensation, members of the board shall be paid their actual traveling and hotel expense incurred in attending meetings of the board which expenses shall be paid in the manner provided for payment of compensation to teachers in Fayette County.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are repealed, and Act No. 608, H. 1119, Regular Session 1965, (Acts 1965, p. 1123) is specifically repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:30 P.M.

Act No. 610

H. 1687—Grey (D)

AN ACT

Relating to Fayette County; further regulating the compensation of the county superintendent of education and giving this act retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. The annual compensation of the superintendent of education of Fayette County shall hereinafter be fixed by the County Board of Education, and shall not exceed the sum of eighteen thousand five hundred dollars (\$18,500) per annum. Such compensation shall be paid at the same time and in the same manner as now prescribed by law.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. The provisions of this act shall become effective on June 1, 1973.

Approved August 27, 1973.

Time: 5:30 P.M.

Act No. 611

H. 1689—Slate, Cauthen

AN ACT

To provide for the office of the sheriff of any county having a population of not less than 75,000 nor more than 90,000, according to the most recent federal decennial census, a system governing the appointment, removal tenure, and official conduct of employees of the sheriff of said county, and to create a board of appeals, and prescribing the authority and the qualifications, terms, duties, and compensation of members of the board.

Be It Enacted by the Legislature of Alabama:

Section I. This Act shall apply to and have application in counties having a population of not less than 75,000 nor more than 90,000, according to the most recent federal decennial census, and to the sheriff's office of said county.

SECTION II

"Deputy" shall mean any person deputized and regularly employed by the Sheriff of the County.

"County Governing Body" shall mean the existing county governing body of said County or any succeeding governing body of said county.

"Board of Appeals" shall mean the board created by this Act.

SECTION III

This Act shall apply to all regularly employed deputies of the Sheriff, except the Chief Deputy who shall not be subject to the provisions of this Act. Provided, however, any Deputy Sheriff who is promoted to the position of Chief Deputy shall be entitled to the right of re-employment as a deputy upon completion of his term as chief deputy.

SECTION IV

There shall be created a board of appeals for the purpose of regulating the appointment, removal, tenure, and official conduct of deputies in the office of the Sheriff. Such board shall be composed of three members, two of whom shall be appointed by the County governing body to serve for a term of four years and one of whom shall be appointed by the Sheriff of the County to serve for a term of two years. No person shall be eligible to appointment who holds any civil office of profit under the State, County, or City government, or is a candidate for such office. All appointed members shall be residents and qualified electors of the County and shall be persons of recognized character and ability. Appointed members of the board shall be entitled to receive no pay for each day served in transacting the business of the board, but no

member shall in any case receive more than no dollars in any one year, such sums to be paid out of the general fund of the County. Vacancies on the board shall be filled for unexpired terms in the same manner as original appointments.

SECTION V

The board of appeals shall meet in organizational session in the County Courthouse within thirty days after this Act shall become effective, at which time it shall elect a chairman from among its members, and shall meet at such other times as the chairman shall designate or on call from any two of its members.

SECTION VI

Any deputy employed by the Sheriff shall receive a temporary appointment for a period of six months during which period he may be discharged by the Sheriff without cause.

SECTION VII

Any deputy who has been employed for a period of six months shall be given permanent status.

SECTION VIII

Any deputy, to whom this Act applies, who has been given permanent status may be disciplined through suspension, demotion, or dismissal. Before any deputy may be suspended or demoted, he must be given notice, in writing, of such cause of action, and no suspension shall be for more than thirty days duration in any twelve months period.

SECTION IX

Any deputy, to whom this Act applies, may be dismissed for good cause by giving him written notice of the cause, and such deputy shall have an opportunity within a specified period of not less than five nor more than fifteen days to answer the charges made against him and to ask for a hearing before the board of appeals created herein. The board shall order the charge or complaint to be filed forthwith in writing and shall hold a hearing on such charges.

SECTION X

No deputy shall be removed, discharged or demoted except for some personal misconduct, or fact, rendering his further tenure harmful to the public interest or detrimental to the interest of the Office of the Sheriff, or for some cause affecting or concerning his fitness or ability. If such removal, dismissal or demotion is appealed to the board of appeals, then the same shall become final only after a hearing upon the written charges or complaint has been had, and after an op-

portunity has been given the deputy to face his accusers, and to be heard in his own defense. Pending a hearing on said appeal, the affected deputy may be suspended by order of the sheriff or the chief deputy. After such hearing the board of appeals may order such deputy to be reinstated, demoted, removed or discharged or suspended, or take such other disciplinary action as in its judgment is warranted by the evidence and under the law.

SECTION XI

Charges may be filed by any resident of the county providing: The charges must be in writing, must set forth the matter complained of, and must be sworn to before any member of the board or before any person authorized to administer oaths. Upon the receipt of such charges, the board, after due consideration, shall determine whether in its opinion it considers that the good of the service will be served by a trial; and, if not, such charges may be dismissed by the board. If in the judgment of the board, the charges are of a minor nature, the charges may be referred to the Sheriff who shall make an investigation and file his findings concerning such charges with the board, in such time specified by the board, as to what disciplinary action, if any, should be taken. After receipt of such findings and after notice is given to the deputy affected, the board, in its discretion, may adopt and order executed any action, or part thereof, as recommended by the Sheriff, as it deems appropriate. In the event that the complainant or the affected deputy, or both, shall object to the recommendation of the Sheriff, the board of appeals shall hold a public hearing on the charges, and take such disciplinary action as in its judgment is warranted by the evidence and under the law. All hearings shall be open to the public. In all cases the decision of the board shall be reduced to writing and entered in the record. Said board shall have power to administer oaths, take depositions, and issue subpoenas to compel the attendance of witnesses and production of papers necessary as evidence in any hearing or proceedings within the scope of this Act.

SECTION XII

The board shall make rules and regulations to carry out the purposes of this Act, and to provide for examinations, appointments, and removals, and the board may make changes in its rules. The Sheriff shall approve persons to fill any vacancies that occur in his department and shall have the final appointing authority. The board shall establish rules and regulations governing dismissals, suspensions or demotions, not otherwise provided for in this Act, and such rules and regulations shall govern in such matters.

SECTION XIII

No deputy sheriff to whom this Act applies shall engage in politics, nor use or attempt to use any political endorsement or favor in connection with his employment as a deputy. Provided that nothing in this Act shall prevent any deputy from exercising his right to his private opinion and to cast his vote. No deputy shall in any way be favored or discriminated against with respect to his employment because of his political or religious opinions.

SECTION XIV

Any deputy aggrieved by the decision of the board of appeals may appeal such decision to the Circuit Court of the County within thirty days from the date of the decision. Review by the Court shall be without a jury and confined to the record, and to a determination of the questions of the law presented. The findings of fact of the board of appeals shall be final and conclusive.

SECTION XV

Deputies shall work over the stipulated hours whenever necessity demands additional service of a temporary nature. Whenever such work becomes necessary equivalent time off compensation may be granted. Such compensatory time off must be granted and taken prior to the second pay day following the overtime worked; otherwise, payment will be made on a straight time basis for every full hour of overtime worked. Overtime shall include, and be limited to, that work actually performed by deputies at the direction of the Sheriff or the Chief Deputy which exceeds by one hour or more the number of hours comprising the regular work week.

SECTION XVI

A. Any deputy who is required by the Sheriff or the Chief deputy to work on a holiday, shall be given equal time off prior to the second pay day following such holiday or be paid at two times his regular rate of pay for his hours worked, that is, his regular pay for such day plus an additional day's pay. When a holiday falls on a deputy's day off he shall be entitled to another day off prior to the second pay day following such off day or be paid at two times his regular rate of pay for his hour worked, that is, his regular pay for such day plus one additional day's pay.

B. Five holidays will include Christmas, New Year, Fourth of July, Thanksgiving and birthday of each employee.

SECTION XVII

A. Each deputy having served during the preceding calendar year for less than six months and having thereafter ob-

tained permanent status during the following calendar year shall be entitled to a vacation with pay of one week during such calendar year. Each deputy having served satisfactorily for six months or more during the preceding calendar year, and who has obtained permanent status, shall be entitled to a vacation with pay of two weeks during the following calendar year.

B. Each deputy shall earn sick leave at the rate of one day for each full month's service. Sick leave shall be computed as earned but may not be accumulated in excess of 120 working days. Regular days off occurring during sick leave will not be charged as sick leave. Sick leave shall be defined by the board created herein. Sick leave with pay is not a right for which deputies may make demand, but a privilege granted, to which the board may make exceptions as the best interest of the service demands.

C. Certification to the board by the Sheriff that a deputy is absent from duty because of bodily injury or occupational illness incurred in the line of duty, the board may grant such deputy special leave on full or part pay, subject to the condition as it may impose.

D. Military leave shall be granted in accordance with the terms and provisions of **Section 12, Title 35, 1940 Code of Alabama as last amended.**

E. Leave with pay may be authorized for the attendance of deputies at official meetings, or as a required witness, or to attend authorized training or educational courses.

F. A deputy may be granted leave without pay for a period not to exceed one year for good and sufficient reasons which are considered to be in the best interest of the service.

SECTION XVIII

Any deputy may resign in good standing by giving notice in writing to the Sheriff, at least fifteen days, stating the effective date and reason for his resignation. Failure to do so may be cause for denying the person from future employment. Unauthorized or unreported absence from work for a period of one day or more may be considered as a resignation.

SECTION XIX

The retirement age for all deputies is and shall be 65 years of age, except that the board may grant a waiver for good and sufficient reasons, and providing the deputy has a minimum of ten years service.

SECTION XX

If any deputy against whom charges are pending wilfully

fails or refuses to attend the hearing of such charges before the board, the board may proceed with the hearing in his absence and take action on the charges the same as if he were present.

SECTION XXI

Section 7 of H. 732 dated August 3, 1971 and passed by the Senate September 14, 1971, and headed "Minimum Standards" shall be and is the minimum standards for employment as a deputy sheriff.

SECTION XXII

Immediately upon passage of this Act or its otherwise becoming law, all deputies presently employed by the Sheriff shall begin their six months probationary period, after which they shall receive permanent status as deputies.

SECTION XXIII

The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Approved August 27, 1973.

Time: 5:30 P.M.

Act No. 612

H. 1690—Slate, Cauthen

AN ACT

Relating to counties having populations of not less than 75,000 nor more than 90,000; providing for payment of special supplementary allowances for probation officers of juvenile courts of such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other compensation and allowances provided by law, the probation officers of the juvenile courts of counties having populations of not less than 75,000 nor more than 90,000, according to the 1970 or any subsequent federal decennial census, shall be entitled to receive a supplementary allowance of \$600.00 per annum which shall be paid in equal monthly installments out of the county treasury on the instruction of and the certificate of the judge of the court.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective on the first day of the month next following the date of its enactment.

Approved August 27, 1973.

Time: 5:30 P.M.

Act No. 613

H. 1692—Slate, Cauthen

AN ACT

Relating to counties having population of not less than 75,000 nor more than 90,000 providing for payment of compensation for the Bailiff of the circuit courts and county courts of such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In lieu of all other compensation and allowances provided by law, the bailiffs in the circuit courts and the county courts in counties having a population of not less than 75,000 nor more than 90,000 according to the 1970 or any subsequent Federal decennial census, shall receive compensation in the amount of Fifteen Dollars (\$15.00) for each day of service performed by such bailiff. The compensation provided for herein shall be paid in the same manner as is provided by law, prior to the enactment of this Act and shall be paid out of the county treasury.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective on the first day of the month next following the date of its enactment.

Approved August 27, 1973.

Time: 5:30 P.M.

Act No. 614

H. 1694—Slate, Cauthen

AN ACT

To provide for the appointment and payment of a special judge to sit in any inferior court of record in the event the presiding judge is disqualified, unable to act or otherwise recuses himself in counties having a population of not less than 75,000 nor more than 90,000 according to the most recent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. In the event the judge of any inferior court of record of any county having a population of not less than 75,000 nor more than 90,000, according to the most recent federal decennial census, is disqualified, unable to act, or otherwise recuses himself, a special judge shall be appointed as provided in Section 160 of the Constitution and Section 124 of Title 13, Code of Alabama, 1940. Such special appointed judge shall be a qualified elector of Morgan County, shall be learned in the law and shall be of the age of 25 years or over. Such special judge shall be paid out of the general funds of

the county the sum of \$50.00 for each day he is called upon to serve pursuant to orders of the court duly spread upon the minutes of the court.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective on the first day of the month next following the date of its enactment.

Approved August 27, 1973.

Time: 5:30 P.M.

Act No. 615

H. 1695—Slate, Cauthen

AN ACT

To provide authority for the judge of inferior court of record in counties having a population of not less than 75,000 nor more than 90,000, according to the most recent federal decennial census, to defer a juror from jury service to serve at a later time; providing for there to be no lawful objection to such deferment except for fraud; and providing for the payment to any such juror so deferred for his services.

Be It Enacted by the Legislature of Alabama:

Section 1. The judge of any inferior court of record in counties having a population of not less than 75,000 nor more than 90,000, according to the most recent federal decennial census, to excuse any person from jury service for a reasonable and proper cause pursuant to the laws of Alabama may, in his discretion, direct such persons so excused from jury service to serve at some later date to be determined by the Court. When the service of such juror is deferred to a later date his name will be entered on the jury list of regular veniremen for the week as if he had drawn from the jury box at the same time and place as the regular jurors who were duly drawn for said week in accord with the laws and statutes thereunto appertaining.

Section 2. There shall be no lawful objection to the listing of such jurors whose services have been deferred to any list of veniremen, except for fraud.

Section 3. No juror who is excused pursuant to the provisions of this section shall be entitled to his mileage fee and per diem fee for the day on which he originally appears and is excused; and for his services for the subsequent week which he is required to serve he shall receive the same fees as if he were originally summoned to serve during that week.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This Act shall become effective on the first day of the month next following the date of its enactment.

Approved August 27, 1973.

Time: 5:30 P.M.

Act No. 616

H. 1691—Slate, Cauthen

AN ACT

To provide additional compensation for the official court reporters of the county courts in counties having populations of not less than 75,000 nor more than 90,000.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other compensations provided by law, the official court reporters of the county courts in counties having populations of not less than 75,000 nor more than 90,000, according to the 1970 or any subsequent federal decennial census, shall be entitled to receive as additional compensation the sum of \$1,000.00 per annum which shall be payable in equal monthly installments out of the county treasury on the instruction of and the certificate of the judge of the court.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective on the first day of the month next following the date of its enactment.

Approved August 27, 1973.

Time: 5:35 P.M.

Act No. 617

H. 1697—Headley

AN ACT

To amend Section 3 of Act No. 696, H. 957, Regular Session 1967 (Acts 1967, p. 1521), which requires the county commission of Chilton County to draw warrants in favor of the Register of the Circuit Court, in Equity, so as to require such warrants to be drawn in favor of the Deputy Register.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 696, H. 957, Regular Session 1967 (Acts 1967, p. 1521), is amended to read as follows:

"Section 3. That the county commission of Chilton County, Alabama, is hereby authorized and required to draw warrants in favor of the Deputy Register of the Circuit Court, in Equity, payable out of the General Fund of said county, upon proper claim being made."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:35 P.M.

Act No. 618

H. 796—Jones (F), Taylor, Harris, Barron

AN ACT

To provide a form of municipal government to be known as the Mayor-Council form of government, which may be adopted by any city in the State of Alabama having a population of not less than 70,000 nor more than 135,000 according to the last or any succeeding Federal or municipal census; to provide the method by which any such city may adopt the Mayor-Council form of government; to provide for the calling and holding of elections to vote thereon; to define and provide the legal status, form of government and powers of any such city under the Mayor-Council form of government; to provide as the governing body of such city a city council; to provide for the number of members of the council, their election and terms of office; to provide the functions, duties, powers and authority of the city council; to provide for the election, appointment or designation of officers and employees of the city and for their qualifications, duties, functions, powers and authority; to provide for the election, term, qualifications and compensation of a Mayor and for the filling of vacancies in the office of Mayor and to provide the duties and authority of the Mayor; to provide for the control of the finances of such city; to provide for an annual budget its preparation, submission, and adoption and the effect thereof; to create and define the powers, functions, duties and authority of the department of finance and the director of the department of finance; to regulate purchases and contracts of such city; to provide for the terms and effects of succession in government of any city adopting the Mayor-Council form of government; to make various other provisions for any such city which adopts the Mayor-Council form of government and for the government thereof; and to provide for the means of abandoning the Mayor-Council form of government and the adoption by the city of other forms of municipal government in lieu thereof.

Be It Enacted by the Legislature of Alabama:

Article I. ADOPTION OF MAYOR-COUNCIL FORM OF GOVERNMENT; ELECTION AND TERM OF FIRST COUNCIL.

1.01. Cities to which act applies.—Any city in the state of Alabama which has a population of more than seventy thousand and not exceeding one hundred thirty-five thousand according to the last federal census, or which may hereafter have such population according to any federal census that may be taken hereafter, may adopt the mayor-council form of government by proceeding in the manner hereinafter in this act provided.

1.02. Petition for election.—The filing of a petition signed by ten percent (10%) or more of the qualified electors of such city, asking that the proposition of the adoption of the mayor-council form of government for such city be submitted to the qualified voters thereof, with the judge of probate of the county in which such city is located, shall mandatorily require an election to be held as herein provided. Whenever such a petition purporting to be signed by at least ten percent (10%) of the qualified voters of such city shall be presented to such judge of probate, he shall examine such petition and determine whether or not the same is signed by at least ten percent (10%) of the qualified voters of such city, and if such petition is signed by the requisite number of voters to require such an election, he shall within fifteen days from the receipt of such petition certify such fact to the governing body of the city for which such election is so petitioned, and the certificate of the judge of probate as to the sufficiency of said petition shall be final.

1.03. Call of election by governing body.—The governing body of the city shall immediately upon receipt of such certificate from the probate judge, by order, submit the question of the adoption of the mayor-council form of government for such city, under this act, at a special election to be held at a time specified in such proclamation, not less than forty days and not more than sixty days after the receipt of said certificate from said probate judge, unless a general or regular election is to be held within 90 days after receipt of such certificate, in which event the special election herein provided for shall be held at the same time as such general or regular election. Should the election not be called by orders of the governing body of the city within 10 days after receipt of such certificate, the judge of probate shall call such election by order at a time specified therein but not less than 40 days and not more than 60 days after the receipt by the governing body of the said certificate of the probate judge.

1.04. Second election not called within two years.—If the mayor-council form of government is not adopted at the special election so called, the question of adopting such form of government shall not be re-submitted to the voters of such city for adoption within two years thereafter, and then the question of adopting said form of government may be re-submitted in the manner above provided.

1.05. Proposition submitted; form of ballot.—At such election the proposition to be submitted shall be printed in plain prominent type on ballots separate and distinct from ballots used for any other office or question, and shall read as follows: "Shall the Mayor-Council form of government, as provided by the Mayor-Council Act of 1973, be adopted for the City of?"

"Yes....."

"No....."

The voter shall mark his ballot with a cross mark before or after the word which expresses his choice. The voter shall express his choice as to one form of government only and no ballot shall be legal which is marked for more than one choice. No other proposition shall be submitted to the voters of such city upon this ballot. If voting machines are used at any voting place in such election, the above proposition may at the discretion of the election commission or other body or official having charge of the conduct of municipal elections in such city, be submitted as a separate proposition on voting machines so used.

1.06. Conduct, canvassing and declaration of result of election.—The election thereupon shall be conducted, the vote canvassed and the result declared in the same manner as provided by law in respect to other city elections in such city, and only qualified electors of such city shall vote thereat. If the majority of the votes shall be "yes" or in favor of such proposition, the provisions of this act shall thereby be adopted for such city, and the election commission or other canvassing board or official shall transmit to the governor, to the secretary of state, to the judge of probate of the county, and to the chief executive officer of the city, a certificate stating that such proposition was adopted by such city. If at any such election no proposition received a majority of all votes cast at such election then a second election shall be held on the same day two weeks later at which election only the two propositions receiving the highest number of votes at the first election shall be placed on the ballot. Such second election shall be conducted, the votes canvassed, the result declared

and certificates transmitted as provided herein for the first election.

1.07. Election of first council and first mayor; term of office.—Upon the adoption of such form of government, the probate judge with whom the petition was filed shall call an election to be governed by this act, to be held no later than the first Tuesday in September preceding the expiration of the term of office of the members of the city governing body serving when the mayor-council form of government prescribed in this act is adopted, the expense thereof to be paid by such city, for the election by the qualified voters of such city of nine councilmen, said councilmen to be known as district councilmen, and a mayor. Candidates shall qualify as provided in section 3.02 hereof and shall have the qualifications and eligibility set forth in sections 3.03 and 3.04 hereof. Each voter in the election may cast one vote for a candidate from his district. Any district councilman candidate receiving a majority of the total votes cast from the district in which he is a candidate shall be elected as a district councilman from his district. In the event that nine candidates should fail to receive such a majority then and in that event those candidates for the council receiving a majority shall be elected, and another election shall be held upon the same day of the week two weeks thereafter to be called and held in the same mode and manner and under the same rules and regulations. In the second election there shall be two candidates for each place upon the council to be filled in such second election; and these candidates shall be the ones who receive the highest number of votes but who were not elected at the first election. The candidate or candidates for the council receiving the highest number of votes cast in the second election shall be elected, so that in the first and second elections only nine councilmen shall be elected. The councilmen so elected shall take office on the first Monday in October following the election. Each councilman shall hold office for four years, but shall serve until his successor shall have qualified. A councilman may succeed himself in office.

[The candidate for mayor receiving the largest number of votes for the office at the first election shall be elected thereto, provided such candidate receives a majority of all votes cast for such office. If at the first election no candidate receives a majority of the votes cast for the office of mayor at such election, then another election shall be held upon the same day of the week two weeks thereafter to be called and held in the same mode and manner and under the same rules and regulations. In the second election there shall be two candidates for the office of mayor; and each candidate shall be the

two who received the highest number of votes for said office at the first election.

Notwithstanding any notice requirements of any other statute or statutes concerning municipal elections, a notice published by the probate judge, with whom the certificate of adoption was filed at any time not less than twenty (20) days prior to said selection, shall be deemed sufficient notice of said election. Said notice shall, in substance, state the month, day and year of said election and the purpose for which it is called. Said notice shall further recite that the city has been divided into districts as provided under this act and state where a copy of the district division is on file. Said notice shall be published not less than one time in a newspaper published in the city, and if no newspaper is published in the city, then by posting notices in three public places within the municipality. The election of the first council shall, except as otherwise provided herein as to the call and notice of said election, the date or dates of elections and run off elections, the qualification of the candidates and other matters specifically declared to be to the contrary in this act, be held and conducted, in the same manner as provided by law in respect to municipal elections in cities of this state which have a population of its size according to the latest Federal Decennial Census for cities not organized under a commission form of government. All municipal officers of the city shall have the same duties and responsibilities as they have with respect to municipal elections. The call of said election by the probate judge shall be sufficient to require any municipal officer or officers to comply with their duties and responsibilities with regard to all municipal elections, including the designation of places of voting, appointment of election, officers and other matters concerning the elections. Said officer or officers shall issue any orders necessary to cause all election requirements to be met. The districts from which the nine (9) district councilmen shall be elected shall be, as near as practicable, of equal population according to the last Federal Decennial Census. The first election of councilmen under this act shall be from the initial council districts as specifically described and set forth in Appendix One hereof.

1.08. The council.—The councilmen provided for in this section shall be known collectively as the Council of the City of (Name of said city to be inserted) and shall have the powers and duties hereinafter provided. The councilmen first elected shall qualify and take office in the manner hereinafter prescribed on the second Monday following the date the election of all nine councilmen is completed, and thereupon such city shall at that time and thereby

be and become organized under the mayor-council form of government provided under this act and shall thereafter be governed by the provisions of this act.

Article II. LEGAL STATUS; FORM OF GOVERNMENT; POWERS.

2.01. Legal status.—Any such city which adopts the mayor-council form of government shall continue its existence as a body corporate under the name of “City of” (inserting the name of such city). The word “city” as hereinafter used shall mean and refer to any city which has adopted the mayor-council form of government. The city shall continue as a municipal corporation, within the corporate limits as then established, and as thereafter fixed in the manner prescribed by law, subject to all the duties and obligations then pertaining to or incumbent upon it as a municipal corporation and shall enjoy all the rights, immunities, powers and franchises then enjoyed by it, as well as those that may thereafter or hereinafter be granted to it.

2.02. Form of government.—The municipal government of any such city proceeding under this act shall be known as the “mayor-council form of government.” Pursuant to the provisions and limitations of this act and subject to the limitations imposed by the Constitution of Alabama and its laws, all powers of the city shall be vested in the council elected as herein provided and hereinafter referred to as “the council,” which shall enact ordinances, adopt budgets and determine policies. All powers of the city shall be exercised in the manner prescribed by this act, or if the manner be not prescribed, then in such manner as may be prescribed by law or by ordinance.

2.03. Powers of city.—The city shall have all the powers granted to municipal corporations and to cities by the Constitution and laws of this state together with all the implied powers necessary to carry into execution all the powers granted. The city may acquire property within or without its corporate limits for any city purpose, in fee simple and any lesser interest or estate, by purchase, gift, devise, lease or condemnation, and may sell, lease, mortgage, hold, manage and control such property as its interests may require; and, except as prohibited by the Constitution of this state or restricted by this act, the city shall and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever. The enumeration of particular powers by this act shall not be deemed to be exclusive, and in addition to the powers enumerated therein or implied thereby, or appropriate to the exercise of such powers, it is intended that the city

shall have and may exercise all powers which, under the Constitution of this state, it would be competent for this act specifically to enumerate.

Article III. THE COUNCIL.

3.01. Number, election, term.—The council shall consist of nine members who shall be known as district councilmen. Subsequent to the election of the first council, all elections of councilmen shall be held at the same times and in the same manner as provided by law in respect to municipal elections in cities of this state which have a population of its size according to the latest Federal Decennial Census for cities not organized under a commission form of government, with respect to the calling of said elections, notice of said elections, qualifications of candidates and all other matters concerning said elections. The terms of councilmen so elected shall be four years commencing on the date that they shall take office which date shall be the second Tuesday in November following their election.

3.02. Statement of candidacy.—Any person desiring to become a candidate in any election for the office of councilman may become such candidate by filing in the office of the judge of probate of the county in which such city is situated, a statement in writing of such candidacy and an affidavit taken and certified by such judge of probate or by a notary public that such person is duly qualified to hold the office for which he desires to be a candidate. Such statement shall be filed at least 21 days before the day set for such election and shall be in substantially the following form: 'State of Alabama, County. I, the undersigned, being first duly sworn, depose and say that I am a citizen of the City of, in said State and County, and reside at in said City of, that I desire to become a candidate for the office of district councilman for the district, in said city at the election for said office to be held on the day of October next and that I am duly qualified to hold said office if elected thereto and I hereby request that my name be printed upon the official ballot at said election. Signed; Subscribed and sworn to before me by said on this day of, 19....., and filed in this office for record on said day., Judge of Probate.' Said statement shall be accompanied by a qualifying fee in the amount of \$150.00, which fee shall be paid over by the judge of probate to the general fund of the city. At every such election all ballots to be used by voters shall be printed and prepared by the election commission or other body or official charged by law with the duty of conducting elec-

tions and at the expense of said city, and shall contain the names of all candidates directly underneath the words 'For members of the council.' No name shall appear upon said ballot as a candidate for election except the names of such persons as have become candidates according to provisions as above set forth; No ballot shall be used at any such election except the official ballot prepared by the election commission or other body or official charged by law with the duty of conducting elections, except that the names of candidates may be suitably placed on voting machines of such machines are used to conduct such election. No primary election shall be held for the nomination of candidates for the office of councilman and candidates shall be nominated only as hereinabove provided.

3.03. Qualification.—Every person who shall be elected or appointed to the office of member of the council, shall, on or before the second Tuesday of November following his election or before the Tuesday following the date of his appointment qualify by making oath that he is eligible for said office will execute the duties of same according to the best of his knowledge and ability. Said oath may be administered by any person authorized to administer an oath under the laws of Alabama.

3.04. Eligibility.—Councilmen shall be qualified electors of the city, and shall hold no other public office except that of notary public or member of the national guard or naval or military reserve. If the councilman shall cease to possess any of these qualifications or shall be convicted of crime involving moral turpitude, his office shall immediately become vacant.

3.05 Compensation.—The council shall receive such per diem allowance for each meeting attended which shall be effective on such date as the council may by resolution or ordinance prescribe; provided however, that the total per diem allowance paid to each councilman shall not exceed Four Thousand Two Hundred and No/100 Dollars (\$4,200.00) annually. Such per diem allowance, and the manner in which it is to be paid shall be established by the council subject to the above limitations.

3.06. Presiding officer.—The council shall elect an officer of the city who shall have the title of president of the council and shall preside at meetings of the council. The council shall also elect a president pro tem, who shall act as president of the council during the absence or disability of the president. The terms of office of the president and the president pro tem shall be until the councilmen shall qualify following the

next succeeding biennial election. If a vacancy shall occur in the office of president of the council, the council shall elect a successor for the completion of the unexpired term. Both the president of the council and the president pro tem shall be elected from among the councilmen.

3.07. Powers.—All powers of the city, including all powers vested in it by this act, by the laws, general and local, of the state, and by Title 62 of the Code of Alabama of 1940, as amended, and the determination of all matters of policy, shall be vested in the council. Without limitation of the foregoing, the council shall have power to:

(a) Establish administrative departments and distribute the work of divisions.

(b) Adopt the budget of the city.

(c) Authorize the issuance of bonds or warrants.

(d) Inquire into the conduct of any office, department or agency of the city and make investigations as to municipal affairs.

(e) Appoint the members of all boards, commissions or other bodies authorized hereunder or by law. This provision for appointment of members of boards, commissions or other bodies authorized hereunder or by law shall supersede any different provision for appointment of such members contained in any statute or ordinance in effect at the time of adoption by the city of the mayor-council form of government set up by this act, and shall include power to remove any member of any board, commission or body to the same extent as might be done by the governing body of the city at the time of adoption by the city of the mayor-council form of government set up by this act and to appoint another in his stead. And wherever in any statute in effect at the time of adoption by the city of said mayor-council form of government the chief executive officer of the city is designated to act in any capacity ex-officio, the mayor shall act.

(f) Succeed to all the powers, rights and privileges conferred upon the former governing body of the city by statutes in effect at the time of adoption by the city of the mayor-council form of government and not in conflict with this act.

(g) Levy property and license taxes and local improvement assessments.

3.08. Council not to interfere in appointment or removals.— Neither the council nor any of its members shall direct or request the appointment of any person to, or his removal from, office or position by the mayor or by any of his subordinates,

or in any manner take part in the appointment or removal of officers and employees in the administrative service of the city. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the mayor and neither the Council nor any member thereof shall give orders to any subordinates of the mayor, either publicly or privately.

3.09. Vacancies in council.—Vacancies in the council shall be filled by the council at the next regular meeting or any subsequent meeting of the council, the person so elected to hold office only until the next election of any kind in which the voters of the city to which this act applies are qualified electors, at which time said unexpired terms shall be filled by said electors in accordance with all provisions of law applicable to such city; in any event, the person elected shall hold office until his successor is elected and qualified.

3.10. Creation of new departments or offices; change of duties.—The council by ordinance may create, change, and abolish offices, departments or agencies, other than the offices, departments and agencies established by this act. The council by ordinance may assign additional functions or duties to offices, departments or agencies established by this act, but may not discontinue or assign to any other office, department or agency any function or duty assigned by this act to a particular office, department or agency.

3.11. City clerk.—If the city clerk of any city which adopts the mayor-council form of government holds office subject to any civil service or merit system, such clerk shall continue to be the city clerk under the mayor-council form of government of such city, and his successor shall be selected and hold office subject to the provisions of such civil service or merit system. If the city clerk of any city which adopts the mayor-council form of government does not hold office subject to any civil service or merit system, the council shall elect the city clerk. The city clerk shall give notice of special or called meetings of the council, shall keep the journal of its proceedings, shall authenticate by his signature and record in full in a book kept for the purpose all ordinances and resolutions and shall perform such other duties as shall be required by this act or by ordinance, and such duties as are imposed by general law of Alabama upon city clerks and as to which other provisions are not made in this act.

3.12. Induction of council into office; meetings of council.—The first meeting of each newly elected council for induction into office, shall be held at ten o'clock in the morning on the second Tuesday in November next following its election, after

which the council shall meet regularly at such times as may be prescribed by its rules, but not less frequently than once a week. All meetings of the council shall be open to the public.

3.13. Council to be judge of qualifications of its members.

—The council shall be the judge of the election and qualifications of its members and for such purpose shall have power to subpoena witnesses and require the production of records, but the decision of the council in any such case shall be subject to review by the courts.

3.14. Rules of procedure; journal—The council shall determine its own rules and order of business. It shall keep a journal of its proceedings and the journal shall be open to public inspection.

3.15. Meetings, passage of ordinances, etc.—The council shall hold regular public meetings on Tuesday of each and every week at a regular hour to be fixed by the order of said council from time to time and publicly announced; it may hold such adjourned, called, special or other meetings as the business of the city may require. The president of the council, when present, shall preside at all meetings of said council. A majority of the council members elected shall constitute a quorum for the transaction of any and every power conferred upon said council, and the affirmative vote of a majority of those members present, shall be sufficient for the passage of any resolution, by-law or ordinance, or the transaction of any business of any sort by the said council or the exercise of any of the powers conferred upon it by the terms of this act or by law, or which may hereafter be conferred upon it. No resolution, by-law or ordinance granting any franchise, appropriating any money for any purpose, providing for any public improvements, any regulation concerning the public health, or of any other general or permanent nature, except the proclamation of quarantine, shall be enacted except at a regular public meeting of said council or an adjournment thereof. Every ordinance introduced at any and every such meeting shall be in writing and read before any vote thereon shall be taken, and the yeas and nays thereon shall be recorded; provided that if the vote of all councilmen present be unanimous, it may be so stated in the journal without recording the yeas and nays. A record of the proceedings of every meeting of the council shall be kept, and every resolution or ordinance passed by the council must be recorded and the record of the proceedings of the meeting shall, when approved by the council be signed by the president of the council and the city clerk. Such record shall be kept available for inspection by all citizens of such city at all reasonable times. No ordinance of permanent operation shall be passed at the meeting at which it was introduced except

by unanimous consent of all members of the council present, and such unanimous consent shall be shown by the yea and nay votes entered upon the minutes of said meeting; provided, however, that if all members of the council present vote for the passage of the ordinance and their names are so entered of record as voting in favor thereof, it shall be construed as giving unanimous consent to the action upon such ordinance at the meeting at which it is introduced. Publication of ordinances shall be governed by Alabama Code of 1940, section 462, as amended, Title 37. Provided all ordinances or resolutions, after having been passed by the council, shall by the clerk be transmitted within forty-eight (48) hours after their passage to the mayor for his consideration, who, if he shall approve thereof, shall sign and return the same to the clerk, who shall publish them, if publication thereof is required, and such ordinances and resolutions shall thereupon become effective and have the force of law. Delivery to the office of the mayor shall constitute delivery to the mayor. An ordinance or resolution may be recalled from the mayor at any time before it has become a law, or has been acted on by him, by a resolution adopted by a majority of the members elected to the council, in regular or special session. If the mayor shall disapprove of any ordinance or resolution transmitted to him as aforesaid, he shall, within ten (10) days of the time of its passage by the council, return the same to the clerk with his objections in writing, and the clerk shall make report thereof to the next regular meeting of the city council; and if a majority of the council members present shall at said meeting adhere to said ordinance or resolution, notwithstanding said objections, said vote being taken by yeas and nays and spread upon the minutes, then, and not otherwise, said ordinance or resolution shall after publication thereof, if publication is required, have the force of law. If publication of said ordinance or resolution is not required, it shall take effect upon its passage over objections. The failure of the mayor to return to the city clerk an ordinance or resolution with his veto within ten (10) days after its passage by the council shall operate and have the same effect as an approval of the same, and the city clerk, if publication is required, shall publish the same as is herein provided for the publication of laws and ordinances of said city. And if no publication is required, the ordinance or resolution shall become effective upon the expiration of said ten (10) days. Anything in this section to the contrary notwithstanding, the mayor shall not have the power of veto over appointments of the council, or over any action of the council relating to an investigation as provided for in section 9.03 of Article IX.

3.16. Granting of franchises.—No resolution or ordinance, granting to any person, firm or corporation any franchise,

lease or right to use the streets, public highways, thoroughfares, or public ways of any city organized under the provisions of this act, either in, under, along, through, or over same shall take effect and be enforced until thirty days after the final enactment of same by the council and publication of said resolution or ordinance in full once a week for three consecutive weeks in some daily newspaper published in said city, which publication shall be made at the expense of the persons, firm or corporation applying for said grant. Pending the passage of any such resolution or ordinance or during the time intervening between its final passage, and the expiration of the thirty days during which publication shall be made as above provided, the legally qualified voters of said city may, by written petition or petitions addressed to said council, object to such grant, and if during such period such written petition or petitions signed by at least five percent (5%) of the legally qualified voters of the city shall be filed with said council, said council shall forthwith order an election, which shall be conducted by the election commission of the city or other body or official charged with the duty of conducting elections therein, at which election the legally qualified voters of said city shall vote for or against the proposed grant as set forth in the said resolution or ordinance. In the call for said election, the said resolution or ordinance making such grant shall be published at length and in full at the expense of the city in at least two newspapers published in said city by one publication. If a majority of the votes cast at such election shall be against the passage of said resolution or ordinance, then and in those events, said resolution or ordinance shall not become effective nor shall it confer any rights, powers or privileges of any kind; otherwise, said resolution or ordinance and said grant shall thereupon become effective as fully and to the same extent as if said election had not been called or held. If, as the result of said election, said resolution or ordinance shall not become effective, then it shall be the duty of said council, after the results of said election shall be determined, to pass a resolution or ordinance to that effect. No grant of any franchise or lease or right of user, or any other right, in, under, upon, along, through, or over the streets, public highways, thoroughfares or public ways of any such city, shall be made or given nor shall any such rights of any kind whatever be conferred upon any person, firm or corporation, except by resolution or ordinance duly passed by the council at some regular or adjourned regular meeting and published as above provided for in this act; nor shall any extension or enlargement of any such rights or powers previously granted be made or given except in the manner and subject to all the conditions herein provided for as to the original grant of same. It is

expressly provided, however, that the provisions of this subsection shall not apply to the grant of side track or switching privileges to any railroad for the purpose of reaching and affording railway connections, and switch privileges to the owners or users of any industrial plant, store or warehouse; provided further, that said side track or switch shall not extend for a greater distance than one thousand, three hundred twenty feet.

3.17. Codification authorized.—The council may provide at any time it may deem proper, for the revision and codification of its ordinances, by-laws, and permanent resolution, or for the adoption of a code of codes by ordinance. Such code or codes and the revisions or amendments thereof may relate to the whole system of city by-laws, ordinances and permanent resolutions, or may relate to that portion of such ordinances, by-laws and permanent resolutions which relate to, affect or purport to govern any particular subject or subjects or subdivision of municipal legislation. The council shall have full power and authority to prescribe the manner in which said code or codes, revisions or amendments thereto, shall be made public, whether by proclamation of any officer or officers of said city by posting or by publication, one or all, but it shall not be necessary unless so prescribed by the council for such code or codes, revisions or amendments thereto, to be published in a newspaper or newspapers. Nor shall it be necessary that such code or codes, revisions or amendments thereto, be spread at length upon the minutes. The council may prescribe that such code or codes, revisions or amendments thereto may be certified by and filed with the city clerk, or other corresponding officer, in lieu of spreading the same on the minutes; and the council may prescribe the manner in which copies of such code or codes, revisions, or amendments thereto, may be officially certified for use by the inhabitants or by the courts. The council may adopt and provide for the maintenance in a designated office of the city of a comprehensive zone map of the city open for inspection by the public at all reasonable times, and may make such zone map a part of any ordinance by reference thereto in such ordinance and without publication of such zone map in any newspaper. Such zone map need not be in one piece but may for convenience be in sections. A zone map of territory newly added to the city shall be treated as a comprehensive zone map of the city for purposes of application of the provisions of the next preceding sentence.

3.18. Examination of books and publication of accounts.—The council shall each month print in pamphlet form a detailed statement of all receipts and expenses of the city, and a summary of its proceedings during the preceding month, and furnish printed copies thereof to the daily newspapers of the city and

to persons who apply therefor. At the end of each year, the council shall cause a full and complete examination of all the books and accounts of the city to be made by a certified public accountant, or by the state department of public examiner of public accounts, and shall cause the result of such examination to be published in the manner above provided for publication of statements of monthly expenditures. Such examination shall not be made two years in succession by the same accountant.

Article IV. MAYOR.

4.01. Election; term; qualification.—The first mayor shall be elected at the same election at which the councilmen are elected under the provisions of section 1.07 of Article I of this act and shall hold office until the second Tuesday in November of that year ending in an odd number which would give him a term of office most closely approximating four years and until his successor is elected and qualified. The first mayor shall qualify and take office in the manner hereinafter prescribed on the second Monday following the date the election of all nine councilmen is completed or on the second Monday following the election of such mayor whichever last occurs. The regular election for mayor shall be held on the second Tuesday in October of the year during which the term of the first mayor elected hereunder terminates and every four years thereafter. The mayor elected at any such regular election, shall on or before the second Tuesday of November following his election qualify by making oath that he is eligible for said office and will execute the duties of same according to the best of his knowledge and ability. Said oath may be administered by any person authorized to administer an oath under the laws of Alabama. At any election for mayor the candidate receiving the highest number of votes for the office shall be elected thereto, provided such candidate receives a majority of all votes cast for such office. If at the first election a majority is not received by any candidate for the office of mayor, then a second election shall be held on the third Tuesday thereafter in the same mode and manner and under the same rules and regulations provided in section 1.07 of Article I hereof with respect to the election of the first mayor.

4.02. Statement of candidacy.—Any person desiring to become a candidate at any election for the office of mayor may become such candidate by filing in the office of the judge of probate of the county in which such city is situated, a statement in writing of such candidacy, accompanied by an affidavit taken and certified by such judge of probate or by a notary public that such person is duly qualified to hold the office for which he desires to be a candidate. Such statement shall be filed at least twenty-one days before the day set for

such election and shall be in substantially the following form: "State of Alabama, County. I, the undersigned, being first duly sworn, depose and say that I am a citizen of the City of, in said State and County, and reside at in said city of, that I desire to become a candidate for the office of mayor in said city at the election for said office to be held on the day of October next and that I am duly qualified to hold said office if elected thereto and I hereby request that my name be printed upon the official ballot at said election. Signed; Subscribed and sworn to before me by said on this day of, 19....., and filed in this office for record on said day., Judge of Probate." Said statement shall be accompanied by a qualifying fee in an amount equal to \$300.00 which qualifying fee shall be paid over by the judge of probate to the general fund of the city. At every such election on ballots to be used by voters shall be printed and prepared by the election commission or other body or official charged by law with the duty of conducting elections and at the expense of said city, and shall contain the names of all candidates directly underneath the words "For Mayor." No names shall appear upon said ballot as a candidate for election except the names of such persons as have become candidates according to provision as above set forth; no ballot shall be used at any such election except the official ballot prepared by the election commission or other body or official charged by law with the duty of conducting elections, except that the names of candidates may be suitably placed on voting machines if such machines are used to conduct such election. No primary election shall be held for the nominations of candidates for the office of mayor and candidates shall be nominated only as hereinabove provided.

4.03. Eligibility.—The mayor shall be a qualified elector of the city, and shall hold no other public office.

4.04. Compensation.—The mayor shall receive an annual salary of Twenty Five Thousand Dollars (\$25,000.00) payable in monthly installments at the end of each month, said installments to be paid at the same rate for any portion of the month during which the mayor shall hold office at the rate thus provided.

4.05. Vacancy in office of mayor.—Whenever a vacancy in the office of mayor shall occur by reason of death, resignation, removal or any other cause, the president of the council shall assume the duties of the office of mayor effective on the date such vacancy occurs and shall serve as acting mayor until a new mayor is elected and qualified as hereinafter provided. The

acting mayor shall receive no compensation, expenses or allowances as a councilman while acting as mayor, but he will receive the same rate of pay and allowances provided for the mayor whose vacated office he fills, and the compensation received for days of service as acting mayor shall not be counted in determining the maximum annual per diem compensation permitted council members. While the president of the council is serving as acting mayor he shall not sit with the council or vote on any matters before the council. The election commission of the city, if there be one, and if not then the council thereof, shall within five days of the occurrence of a vacancy in the office of the mayor call a special election to fill such vacancy, such election to be held on a Tuesday not less than thirty (30) days and not more than forty-five days from the occurrence of such vacancy; provided, however, if a regular or special election is scheduled or required to be held within ninety (90) days after the occurrence of such vacancy but more than thirty (30) days after such occurrence, then the vacancy in the office of mayor will be filled at such regular or special election. Notice of such election shall be given at the expense of the city by one publication at least eighteen (18) days in advance of the same in one or more newspapers published in such city. The method, procedure and requirements of qualifying, voting upon and determining the successful candidate shall be same as is provided herein relative to the election of the mayor at regular elections, except that statements of candidacy must be filed at least (20) days before the date set for such election. The successor to the mayor chosen at any such election shall qualify for office as soon as practical thereafter, and shall be clothed with and assume the duties, responsibilities and powers of such office immediately upon such qualification and shall hold office for the unexpired term of his predecessor and until his successor is elected and qualified.

4.06. Powers and duties.—The mayor shall be the head of the administrative branch of the city government. He shall not sit with the council nor shall he have a vote in its proceedings and he shall have the power and duties herein conferred. He shall be responsible for the proper administration of all affairs of the city and, subject to the provisions of any civil service or merit system law applicable to such city and except as otherwise provided herein, he shall have power and shall be required to:

(1) Enforce all laws and ordinances;

(2) Appoint and, when necessary for the good of the service, remove all officers and employees of the city except as otherwise provided by this act and except as he may authorize

the head of a department or office to appoint and remove subordinates in such department or office; provided that the mayor shall not appoint or remove officers and employees of:

- (a) Any library board of the city;
- (b) Any board of the city having control over any park, recreation facility, fair or exhibit;
- (c) Any municipally-owned public utility, including electric, gas and water systems, while such utility is operating under a board constituted by law or required by the terms of any indenture, mortgage or deed of trust providing for employment by other authority;

- (d) Any school board of the city;

- (e) Any planning board or zoning board of the city;

(3) Exercise administrative supervision and control over all departments created by this act or by law or hereafter created by the council except those enumerated in items (a) to (e) inclusive of paragraph (2) of this section and except those otherwise given independent status under this act.

(4) Keep the council fully advised as to the financial conditions and needs of the city; prepare and submit the budget annually to the council and be responsible for its administration after its adoption; prepare and submit, as of the end of the fiscal year, a complete report on the financial and administrative activities of the city for such year.

(5) Recommend to the council such actions as he may deem desirable.

(6) Prepare and submit to the council such reports as may be required of him.

(7) Perform such other duties as may be prescribed by this act.

(8) Fix the salaries or compensation of all officers and employees of the city who are appointable by him, subject, however, to the provisions of any civil service or merit law applicable to the city.

4.07. Administrative departments.—There shall be a department of finance, and such other departments as may be established by ordinance upon the recommendation of the mayor.

4.08. Directors of departments.—At the head of each department there shall be a director, who shall be an officer of the city and shall have supervision and control of the department subject to the mayor. Two or more departments may be headed

by the same individual, the mayor may head one or more departments, and directors of departments may also serve as chiefs of divisions.

4.09. Departmental divisions.—The work of each department may be distributed among such divisions thereof as may be established by ordinance upon the recommendation of the mayor. Pending the passage of an ordinance or ordinances distributing the work of departments under the supervision and control of the mayor among specific divisions thereof, the mayor may establish temporary divisions.

Article V. BUDGET.

5.01. Fiscal year.—The fiscal year of the city government shall begin on the first day of October and shall end on the last day of September of each calendar year. Such fiscal year shall also constitute the budget and accounting year. As used in this act, the term “budget year” shall mean the fiscal year for which any particular budget is adopted and in which it is administered.

5.02. Submission of budgets.—On a day to be fixed by the council but in no case later than the 20th day of August in each year, the mayor shall submit to the council:

(a) A separate current revenue and expense budget for the general operation of the city government, to be known as the “general fund budget”;

(b) A budget for each public utility owned and operated by such city;

(c) A capital budget; and

(d) A budget message.

When submitting the budgets to the council, the mayor shall submit his recommendation of new sources of revenue or manner of increasing existing sources of revenue, sufficient to balance the budgets, if such additional revenue is necessary to accomplish that purpose.

5.03. Preparation of budgets.—It shall be the duty of the head of each department, and each other office or agency supported in whole or in part by the city, to file with the director of finance, at such time as the mayor may prescribe, estimates of revenue and expenditure for that department, office or agency for the ensuing fiscal year. Such estimates shall be submitted on the forms furnished by the director of finance and it shall be the duty of the head of each such department, office or agency, to supply all the information which the director of finance may require to be submitted thereon. The director of finance shall assemble and compile these estimates

and supply such additional information relating to the financial transactions of the city as may be required by the mayor in the preparation of the budgets. The mayor shall hold such hearings as he may deem advisable and with the assistance of the director of finance shall review the estimates and other data pertinent to the preparation of the budgets and make such revisions in such estimates as he may deem proper, subject to the laws of the state of Alabama and any municipal ordinance relating to obligatory expenditures for any purpose.

5.04. Scope of general fund budget.—The general fund budget shall include only the net amounts estimated to be received from or to be appropriated to each public utility. The general fund budget shall be prepared in accordance with accepted principles of municipal accounting and budgetary procedure and techniques, and shall show:

(a) Such portion of the general fund cash surplus as it is estimated will exist, at the end of the current fiscal year, and is proposed to be used for meeting expenditures in the general fund budget for the ensuing year;

(b) An estimate of the receipts from current ad valorem taxes on real estate and tangible personal property during the ensuing fiscal year, assuming that the percentage of the levy collected be no greater than the average percentage of the levy collected in the last three completed tax years;

(c) An estimate of receipts from all other sources of revenue, provided that the estimated receipts from each such source shall not exceed the percentage of estimated revenue in the current fiscal year from the same source, over the amount of the revenue received from the same source, in the last completed fiscal year, unless a law or ordinance under which revenue from any source is derived, has been amended or a new source of revenue has been provided by law or ordinance, in the course of the current year, in which case the estimated receipts from that source may be fixed by the mayor. If additional revenue is to be derived from the state, the amount fixed by the mayor shall not exceed the amount which the proper state official shall certify in writing to be the reasonable expectation of receipts from such source;

(d) A statement to be furnished by the director of finance of the debt service requirements for the ensuing year;

(e) An estimate of the general fund cash deficit, if any, at the end of the current fiscal year and of any other obligations required by law to be budgeted for the ensuing fiscal year;

(f) An estimate of expenditures and appropriations for all other purposes to be met from the general fund in the ensuing fiscal year. All the estimates shall be in detail showing receipts by sources and expenditures by operating units, character and object, so arranged as to show receipts and expenditures as estimated for the current fiscal year and actual receipts and expenditures for the last preceding fiscal year, in comparison with estimated receipts and recommended expenditures for the ensuing fiscal year.

5.05. A balanced budget.—In no event shall the expenditures recommended by the mayor in the general fund budget exceed the receipts estimated, taking into account the estimated cash surplus or deficit at the end of the current fiscal year, as provided in section 5.04, unless the mayor shall recommend an increase in or levy of new or increased, taxes or licenses within the power of the city to levy and collect in the ensuing fiscal year, the receipts from which, estimated on the basis of the average experience with the same or similar taxes during the three full tax years last past, will make up the difference. If estimated receipts exceed estimated expenditures, the mayor may recommend revisions in the tax and license ordinances of the city in order to bring the general fund budget into balance. The same balanced budget restrictions shall apply in the adoption of any public utility budget.

5.06. The budget message.—The budget message shall contain the recommendations of the mayor concerning the fiscal policy of the city, a description of the important features of the budget plan, an explanation of all salient changes in each budget submitted, as to estimated receipts and recommended expenditures as compared with the current fiscal year and the last preceding fiscal year and a summary of the proposed budget showing comparisons similar to those required by section 5.04 above.

5.07. Availability of budgets for inspection and publication of the budget message.—The mayor shall cause the budget message to be printed, mimeographed or otherwise reproduced for general distribution at the time of its submission to the council, and sufficient copies of the proposed general fund, public utility and capital budgets to be made, to supply copies to each member of the council and each daily newspaper of general circulation published in the city, and two copies to be deposited in the office of the city clerk where they shall be open to public inspection during regular business hours.

5.08. Publication of notice of public hearing.—At the meeting of the council at which the budget and budget message are submitted, the council shall determine the place and

time of the public hearing on the budget, and shall cause to be published a notice of the place and time, not less than seven days after the date of publication, at which the council will hold a public hearing. Publication shall be made at least once in a daily newspaper published and of general circulation in the city. At the time and place so advertised, or at any time and place to which such public hearing shall from time to time be adjourned, the council shall hold a public hearing on the budget as submitted, at which any citizen of the city shall be given an opportunity to be heard, for or against the estimates or any item thereof.

5.09. Action by the council on the general fund budget.—After the conclusion of the public hearing the council may insert new items of expenditures or may increase, decrease or strike out items of expenditure in the general fund budget, except that no item of expenditure for debt service, or any other item required to be included by this act or other provision of law, shall be reduced or stricken out. The council shall not alter the estimates of receipts contained in the said budget except to correct omissions or mathematical errors and it shall not cause the total of expenditures as recommended by the mayor to be increased without a public hearing on such increase, which shall be held not less than three days after notice thereof by publication in a newspaper of general circulation published in the city. The council shall in no event adopt a general fund budget in which the total of expenditures exceeds the receipts and available surplus, estimated as provided in section 5.04 of this act, unless at the same time it adopts measures for providing additional revenue in the ensuing fiscal year, estimated as provided in sections 5.02 and 5.05 of this act, sufficient to make up the difference.

5.10. Adoption of general fund budget.—Not later than the 20th day of September of the current fiscal year, the council by a majority vote shall adopt the general fund budget, and such ordinances providing for additional revenue as may be necessary to put the budget in balance. If for any reason the council fails to adopt the general fund budget on or before such day, the general fund budget of the current fiscal year shall be the general fund budget for the ensuing year, until such time as a newly revised budget shall be adopted by the council, and, until such time, shall have full force and effect to the same extent as if the same had been adopted by the council, notwithstanding anything to the contrary in this act.

5.11. Effective date of budget; certification; copies made available.—Upon final adoption, the budget shall be in effect for

the budget year. A copy of the budget as finally adopted, shall be certified by the mayor and city clerk and filed in the office of the director of finance. The budget so certified shall be printed, mimeographed or otherwise reproduced and sufficient copies thereof shall be made available for the use of all offices, departments and agencies and for the use of citizens of the city who request a copy.

5.12. Utility budgets.—Separate budget estimates for any public utilities owned and operated by the city shall be submitted to the director of finance at the same time as the budget estimates of other departments, and in the form prescribed by the director of finance. The mayor shall prepare and present to the council a budget for the utility operation, itemizing the receipts and expenditures in manner and form as is generally provided for in section 5.04 of this act as being applicable to the general fund budget. The action of the council on any utility budget thus submitted shall be governed by the same provision as provided in this act with reference to the consideration and adoption of the general fund budget.

5.13. Work plan and allotments.—After the current expense budgets have been adopted and before the beginning of the fiscal year the head of each department, office, and agency, shall submit to the mayor in such form as he shall prescribe a work program which shall show the requested allotments of the appropriations for such department, office or agency for the entire fiscal year by monthly or quarterly periods as the mayor may direct. Before the beginning of the fiscal year the mayor shall approve, with such amendments as he shall determine, the allotments for each such department, office, or agency, and shall file the same with the director of finance who shall not authorize any expenditure to be made from any appropriation except on the basis of approved allotments, provided that such allotments shall be in conformity with the salaries established by ordinance, the provisions of any merit or civil service system applicable to such city, the laws of the state of Alabama and any municipal ordinances of such city, relating to obligatory expenditures for any purpose. The aggregate of such allotments shall not exceed the total appropriation available to each such department, office, or agency for the fiscal year. An approved allotment may be revised during the fiscal year in the same manner as the original allotment was made. If at any time during the fiscal year the mayor shall ascertain that the revenue cash receipts of the general fund or any public utility for the year plus any cash surplus available from the preceding year, will be less than the total appropriations to be met from such receipts

and cash surplus, he shall reconsider the work programs and allotments of the departments, offices, and agencies, and, subject to the laws of the state of Alabama and any municipal ordinances of the city relating to obligatory expenditures for any purpose, revise the allotments, however, that there shall be no reduction in salaries except by order of the council, or as authorized by law.

5.14. Transfers of appropriations.—The mayor may at any time authorize, at the request of any department, office, or agency, the transfer of any unencumbered balance or portion thereof in any general fund or utility appropriation from one classification of expenditure to another with the same department, office, or agency, provided that for this purpose the water, gas and electric utilities shall be deemed to be separate departments. At the request of the mayor, the council may by resolution transfer any unencumbered balance or portion thereof in any general fund appropriation from one department, office or agency to another.

5.15. Additional appropriations.—Appropriations in addition to those contained in the original general fund budget ordinance, may be made by the council by not less than five affirmative votes, but only on the recommendation of the mayor and only if the director of finance certifies in writing that there is available in the general fund a sum unencumbered and unappropriated sufficient to meet such appropriation. Additional appropriations may be made by the council, by not less than five affirmative votes, from the funds of any utility for the operation of that utility, but only if the director of finance certifies in writing that there is available in the funds of the utility, a sum unencumbered and unappropriated sufficient to meet such appropriation.

5.16. Emergency appropriations.—At any time in any budget year, the council may, pursuant to this section, make emergency appropriations to meet a pressing need for public expenditures, for other than a regular or recurring requirement, to protect the public health, safety or welfare. Such appropriation may be made by the council voting affirmative votes by a majority of the council members present, but only on the recommendation of the mayor. The total amount of all emergency appropriations made in any budget year shall not exceed five per centum of the total general fund operating appropriations made in the budget for that year.

5.17. Appropriations to lapse.—Any portion of an appropriation remaining unexpended and unencumbered at the close of the fiscal year, shall lapse.

5.18. Capital budget.—At the same time that he submits

the general fund budget, the mayor shall submit to the council a capital improvement program covering all recommended capital improvement projects, for the ensuing fiscal year and for the four fiscal years thereafter, with his recommendations as to the means of financing the improvements proposed for the ensuing fiscal year. The council shall have power to accept with or without amendments or reject the proposed program and proposed means of financing for the ensuing fiscal year; and may from time to time during the fiscal year amend by ordinance adopted by affirmative votes by a majority of members present, the program previously adopted by it, or the means of financing the whole or any part thereof or both, provided that the amendment shall have been recommended by the mayor, and further, provided such additional funds are available in the general fund or in any other fund of the city available therefor. The council shall adopt a capital budget prior to the beginning of the fiscal year in which the budget is to take effect. No appropriations for a capital improvement project contained in the capital budget shall lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned, provided that any project shall be deemed to have been abandoned if three fiscal years lapse without any expenditure from or encumbrance of the appropriation therefor. Any such lapsed appropriation shall be applied to the payment of any indebtedness incurred in financing the project concerned and if there be no such indebtedness the funds shall be available for appropriation.

5.19. Certification of funds; penalties for violation.—No payment shall be made and no obligation incurred by or on behalf of the city except in accordance with an appropriation duly made and no payment shall be made from an obligation incurred against any allotment or appropriation unless the director of finance shall first certify that there is a sufficient unexpended and unencumbered balance in such allotment or appropriation to meet the same; provided that nothing herein shall be taken to prevent the advance authorization of expenditures for small purchases as provided in subsection (e) of section 6.04 of Article VI of this act. Every expenditure or obligation authorized or incurred in violation of the provisions of this act shall be void. Every payment made in violation of the provisions of this act shall be deemed illegal and every official who shall knowingly authorize or make such payment or knowingly take part therein and every person who shall knowingly receive such payment or any part thereof shall be jointly and severally liable to the city for the full amount so paid or received. If any officer, member of a board, or employee of the city, shall knowingly incur any obligation or shall authorize or make any expenditure in

violation of the provisions of this act or knowingly take part therein such action shall be cause for his removal. Nothing in this section contained, however, shall prevent the making of contracts of lease or for services providing for the payment of funds at a time beyond the fiscal year in which such contracts are made, provided the nature of such transaction will reasonably require the making of such contracts.

5.20. Reserve for permanent public improvements.—The council may by ordinance establish a reserve fund for permanent public improvements and may appropriate thereto to any portion of the general fund cash surplus not otherwise appropriated at the close of any fiscal year. Appropriations from the said fund shall be made only to finance improvements included in the capital budget.

5.21. Budget continuation.—Any officially adopted budget in existence at the time that the council is first organized, shall continue in force and effect during the balance of the city's then fiscal year, or until such time as the mayor may submit to the council and the council adopts, an amended, altered or revised budget for the balance of said fiscal year.

5.22. Budget summary.—At the head of the budget there shall appear a summary of the budget, which need not be itemized further than by principal sources of anticipated revenue, stating separately the amount to be raised by property tax, kinds of expenditures itemized according to departments, doing so in such a manner as to present to the taxpayer a simple and clear summary of the detailed estimates of the budget.

Article VI. DEPARTMENT OF FINANCE.

6.01. Director of finance; appointment.—There shall be a department of finance, the head of which shall be the director of finance, who shall be appointed by the mayor, subject to the provisions of any merit or civil service system which is applicable to such city. He shall be the chief financial officer of the city. The chief financial officer of any city which adopts the mayor-council form of government who holds office under any civil service or merit system applicable to such city shall be the first director of finance under the mayor-council form of government.

6.02. Same; qualifications.—The director of finance shall be a person skilled in municipal accounting, taxation and financial control.

6.03. Same; surety bond.—The director of finance shall provide a bond with such surety and in such amount as the council may require by resolution or ordinance. The premium on said bond shall be paid by the city.

6.04. Same; powers and duties.—The director of finance shall have general management and control of the several divisions and units of the department of finance. He shall have charge, subject to the direction and control of the mayor, of the administration of the financial affairs of the city, and to that end shall have authority and be required to:

(a) Cooperate with the mayor in compiling estimates for the general fund, public utility, and capital budgets.

(b) Supervise and control all encumbrances, expenditures and disbursements to insure that budget appropriations are not exceeded.

(c) Prescribe and install systems of accounts for all departments, offices and agencies of the city and provide instructions for their use; and prescribe the form of receipts, vouchers, bills or claims to be used and of accounts to be kept by all departments, offices and agencies of the city.

(d) Require daily, or at such other intervals as he may deem expedient, a report of receipts from each of such departments, offices and agencies, and prescribe the time and the manner in which moneys received by them shall be paid to the office of the director of finance or deposited in a city bank account under his control.

(e) Examine all contracts, purchase orders and other documents, except bonds and notes which create financial obligations against the city, and approve the same only upon ascertaining that money has been appropriated and allotted therefor and that an unexpended and unencumbered balance is available in such appropriation and allotment to meet the same, provided that the director of finance may give advance authorization for the expenditure from any appropriation for the purchase of supplies, materials, or equipment of such sum, within the current allotment of such appropriation as he may deem necessary during a period of not to exceed the ensuing three calendar months for the purchase of items not to exceed in cost fifty dollars for any one item, and immediately encumber such appropriation with the amount of such advance authorization, and thereafter, within the period specified, purchase orders for such items, to an aggregate not exceeding such authorization, shall be valid without the prior approval of the director of finance endorsed thereon, but each such purchase order shall be charged against such authorization and no such purchase order, which together with all such purchase orders previously charged within the period specified shall exceed the amount of such authorization, shall be valid.

(f) Have custody of all public funds belonging to or under the control of the city, or any office, department or agency of the city government, and deposit all funds coming into his hands in such depositories as may be designated by resolution or ordinance of the council, or, if no such resolution or ordinance be adopted, by the mayor, subject to the requirements of law as to surety and the payment of interest on deposits. All such interest shall be the property of the city and shall be accounted for and credited to the proper account. He shall not be liable for any loss sustained as to funds of the city which are on deposit in such a designated bank.

(g) Audit and approve before payment, all bills, invoices, payrolls and other evidences of claims, demands or charges against the city government and with the advice of the department of law, determine the regularity, legality and correctness of such claims, demands or charges.

(h) Have custody of all investments and invested funds of the city or in its possession in a fiduciary capacity, unless otherwise provided by this act or by law, ordinance or the terms of any trust, and the safekeeping of all bonds and notes of the city and the receipt and delivery of city bonds and notes for transfer, registration and exchange.

(i) Have supervision over the preparation of bond ordinances, bonds, advertisements for sale of bonds, preparation of bond prospectuses, conduct of sale of bonds, and delivery of bonds, all subject to provisions of law and municipal ordinances, applicable thereto. Bonds shall be authenticated by the manual signature of the director of finance and shall bear the facsimile signature of the mayor and a facsimile of the seal of the city. Interest coupons transferable by delivery shall be attached to the bond and shall be authenticated by the facsimile signature of the director of finance.

(j) Supervise and direct the placing of all types of insurance carried by the city where the premiums in whole or in part are paid by the city, or the premiums in whole or in part are withheld through the payrolls; the amount of all types of insurance on which the city pays the premiums in whole or in part shall be determined by the council after a recommendation by the mayor.

(k) Submit to the mayor for presentation to the council not later than the twelfth day of each month, a statement showing in reasonable detail the revenues received by the city during the preceding month, the revenues received during the preceding month, the revenues received during that fiscal year up to and through the end of the preceding month, the expenditures made during the preceding month, and the accumu-

lated expenditures made during that fiscal year up to and through the end of the preceding month, together with a comparison of said items with the budget estimates.

(l) Furnish to the head of each department, office and agency of the city a copy of that portion of the statement as required in item (k) of this section, as same is related to his department, office or agency.

(m) Prepare and submit to the mayor at the end of each fiscal year, for the preceding year, a complete financial statement and report of the financial transactions of the city.

(n) Designate, with the approval of the mayor, and subject to the provisions of any merit or civil service system applicable to such city, an employee of the department of finance as deputy director of finance who during the temporary absence or incapacity of the director of finance shall have and perform all the powers and duties conferred or imposed upon the director of finance.

(o) Protect the interests of the city by withholding the payment of any claim or demand by any person, firm or corporation against the city until any indebtedness or other liability due from such person, firm or corporation shall first have been settled and adjusted.

(p) Collect all special assessments, license fees and other revenues of the city for whose collection the city is responsible and receive all money receivable by the city from the county, state or federal government, or from any court, or from any office, department or agency of the city.

(q) With approval of the mayor to inspect and audit any accounts or records of financial transactions which may be maintained in any office, department or agency of the city government apart from or subsidiary to the accounts kept in his office.

(r) Supervise through the division of purchases as provided for in section 6.07 of this act, and be responsible for the purchase, storage and distribution of all supplies, materials, equipment and other articles used by any office, department or agency of the city government.

6.05. When contracts and expenditures prohibited.—No officer, department or agency shall, during any budget year, expend or contract to expend any money or incur any liability, or enter into any contract which by its terms involves the expenditure of money, for any purpose, in excess of the amounts appropriated for that general classification of expenditure pursuant to this act. Any contract, verbal or written, made in

violation of this act shall be null and void. Any officer or employee of the city who shall violate this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable as in case of misdemeanor conviction and shall also cease to hold his office or employment. Nothing in this section contained, however, shall prevent the making of contracts or the spending of money for capital improvements to be financed in whole or in part by the issuance of bonds, nor the making of contracts of lease or for services for a period exceeding the budget year in which such contract is made, when such contract is permitted by law.

6.06. Fees shall be paid to city government.—All fees received by any officer or employee of the city, shall belong to the city government and shall be paid daily to the department of finance.

6.07. Division of purchases.—There shall be established in the department of finance a division of purchases, the head of which shall be the city purchasing agent. The purchasing agent, pursuant to rules and regulations established by resolution or ordinance, shall contract for, purchase, store and distribute all supplies, materials and equipment required by any office, department or agency of the city government. The purchasing agent shall also have power and shall be required to:

(1) Establish and enforce specifications with respect to supplies, materials, and equipment required by the city government;

(2) Inspect or supervise the inspection of all deliveries, of supplies, materials and equipment, and determine their quality, quantity and conformance with specifications;

(3) Have charge of such general storerooms and warehouses as the council may provide by resolution or ordinance;

(4) Transfer to or between offices, departments or agencies, or sell surplus, obsolete, or unused supplies, material and equipment;

(5) Perform such other duties as may be imposed upon him by resolution or ordinance.

6.08. Competitive bidding.—Before the purchasing agent makes any purchase of or contract for supplies, materials or equipment, he shall give ample opportunity for competitive bidding, under such rules and regulations, and with such exceptions, as the council may prescribe by resolution or ordinance, provided, however that the council shall not except individual contracts, purchases, or sales from the requirement of competitive bidding.

6.09. Contracts for city improvements.—Any city improvement costing more than \$2,000 shall be executed by contract except where such improvement is authorized by the council to be executed directly by a city department in conformity with detailed plans, specifications and estimates. All such contracts for more than \$2,000 shall be awarded to the lowest responsible bidder after such public notice and competition as may be prescribed by resolution or ordinance, provided the mayor shall have the power to reject all bids and advertise again. Alterations in any contract may be made when authorized by the council upon the written recommendation of the mayor.

6.10. Accounting control of purchases.—All purchases made and contracts executed by the purchasing agent shall be pursuant to a written requisition from the head of the office, department or agency whose appropriation will be charged, and no contract or order shall be issued to any vendor unless and until the director of finance certifies that there is to the credit of such office, department or agency, a sufficient unencumbered appropriation balance to pay for the supplies, materials, equipment or contractual service for which the contract or order is to be issued.

6.11. Borrowing in anticipation of revenues.—In any budget year, in anticipation of the collection or receipt of revenues of the budget year, the council may by resolution authorize the borrowing of money by the issuance of negotiable notes of the city, each of which shall be designated "revenue note for the year 19..... (stating the budget year)." Such notes may be renewed from time to time; but all such notes, together with the renewals thereof, shall mature and be paid not later than the end of the fiscal year after the budget year in which the original notes have been issued. Such borrowing shall be subject to any limitation on amount provided by statute.

6.12. Borrowing to meet emergency appropriations.—In the absence of unappropriated available revenues to meet emergency appropriations under the provisions of section 5.16 of Article V, the council may by resolution authorize the issuance of notes, each of which shall be designated "emergency note" and may be renewed from time to time, but all such notes of any fiscal year and any renewals thereof shall be paid not later than the last day of the fiscal year next succeeding the budget year in which the emergency appropriation was made.

6.13. Notes redeemable prior to maturity.—No notes shall be made payable on demand, but any note may be made subject to redemption prior to maturity on such notice and at such time as may be stated in the note.

6.14. Sale of notes; report of sale.—All notes issued pursuant to this act may be sold at not less than par and accrued interest at private sale without previous advertisement.

Article VII. COUNCIL DISTRICTS.

7.01. Number established.—There shall be established nine (9) council districts to be designated respectively as district number 1, district number 2, district number 3, district number 4, district number 5, district number 6, district number 7, district number 8, and district number 9, which districts shall have as nearly as is reasonable, the same population. The designation and boundaries of the initial council districts shall be as specifically described and set forth in Appendix One hereof.

7.02. Reapportionment.—Whenever there shall be a change in population in any of the nine districts heretofore established, evidenced by a federal census of population published following the last federal census of population preceding the adoption of this act, or by virtue of a change in the corporate limits, there shall be a reapportionment of the council districts in the manner hereinafter provided:

(1) The mayor shall within six months after the publication of each federal census of population for the city, following the last federal census of population preceding the adoption of this act, or if within six months after there shall have been any change in the corporate limits of the city, file with the council a report containing a recommended plan for reapportionment of the council district boundaries to comply with the following specifications:

(a) Each district shall be formed of contiguous and to the extent reasonably possible, compact territory, and its boundary lines shall be the center lines of streets or other well-defined boundaries.

(b) Each district shall contain as nearly as is reasonable the same population.

(2) The report shall include a map and description of the districts recommended and shall be drafted as a proposed ordinance and considered by the council as other ordinances are considered. Once filed with the clerk, the report shall be treated as an ordinance introduced by a council member.

(3) The council shall enact a redistricting ordinance within six months after receiving such report. If the council fails to enact the redistricting ordinance within the said six months, the redistricting plan submitted by the mayor shall

become effective without enactment by the council, as if it were a duly enacted ordinance.

(4) Such redistricting ordinance shall not apply to any primary or regular or special election held within six months after its becoming effected. No incumbent councilman or member of the board or commission shall be deprived of his unexpired term of office because of such redistricting.

Article VIII. SUCCESSION IN GOVERNMENT.

8.01. Rights of officers and employees preserved.—Nothing in this act contained, except as specifically provided, shall affect or impair the rights or privileges of officers or employees of the city or of any office, department or agency existing at the time when this act shall take effect, or any provision of law in force at the time when the mayor-council form of government shall be adopted and not inconsistent with the provisions of this act, in relation to the personnel, appointment, ranks, grades, tenure of office, promotion, removal, pension and retirement rights, civil rights or any other rights or privileges of officers or employees of the city or any office, department or agency thereof.

8.02. Continuance of present officers.—All persons holding administrative office at the time the mayor-council form of government is adopted shall continue in office and in the performance of their duties until provision shall have been made in accordance therewith for the performance of such duties or the discontinuance of such office. The powers conferred and the duties imposed upon any office, department or agency of the city by the laws of the state shall, if such office, department or agency, be abolished by this act or under its authority, be thereafter exercised and discharged by the office department or agency designated by the council unless otherwise provided herein.

8.03. Status of officers and employees holding positions when the mayor-council form of government is adopted.—Any person holding an office or position in the classified service of the city under any civil service or merit system applicable to the city when the mayor-council form of government shall be adopted shall be continued as such officer or employee in the classified service of the city under the mayor-council form of government and with the same status, rights and privileges and subject to the same conditions under such applicable civil service or merit system as if the mayor-council form of government had not been adopted.

8.04. Transfer of records and property.—All records, property and equipment whatsoever of any office, department or

agency or part thereof, all the powers and duties of which are assigned to any other office, department or agency by this act, shall be transferred and delivered to the office, department or agency to which such powers and duties are so assigned. If part of the powers and duties of any office, department or agency or part thereof are by this act assigned to another office, department or agency, all records, property and equipment relating exclusively thereto shall be transferred and delivered to the office, department or agency to which such powers and duties are so assigned.

8.05. Continuity of offices, departments or agencies.—Any office, department or agency provided for in this act with a name or with powers and duties the same or substantially the same as those of an office, department or agency heretofore existing shall be deemed to be a continuation of such office, department or agency and, until otherwise provided, shall exercise its powers and duties in continuation of their exercise by the office, department or agency by which the same were heretofore exercised and, until otherwise provided, shall have power to continue any business, proceeding or other matter within the scope of its regular powers and duties commenced by an office, department or agency by which such powers and duties were heretofore exercised. Any provision in any law, rule, regulation, contract, grant or other document relating to such a formerly existing office, department or agency, shall, so far as not inconsistent with the provisions of this act, applying to such office, department or agency provided for by this act.

8.06. Continuance of contracts and public improvements.—All contracts entered into by the city, or for its benefit, prior to the adoption by such city of the mayor-council form of government, shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws existing at the time of the adoption of the mayor-council form of government may be carried to completion as nearly as practicable in accordance with the provisions of such existing laws.

8.07. Pending actions and proceedings.—No action or proceeding, civil or criminal, pending at the time of the adoption of the mayor-council form of government, brought by or against the city or any office, department or agency or officer thereof, shall be affected or abated by the adoption of the mayor-council form of government or by anything therein contained in this act; but all such actions or proceedings may be continued notwithstanding that functions, powers and duties of any office, department or agency or officer party thereto may by or under this act be assigned or transferred to another office, department or agency or officer, but in that event the same may be prosecuted or defended by the head of the office, de-

fended by the head of the office, department or agency to which such functions, powers and duties have been assigned or transferred by or under this act.

8.08. Pension and relief funds.—All laws and parts of laws relating to pension, retirement and relief funds for policemen, firemen and other employees of the city, contained in the general or local laws of the state or in Title 62 of the Code of Alabama, as amended, as the same may apply and be in effect with respect to any city at the time when such city shall elect to be governed by the provisions of this act, shall continue in full force and effect, and without interruption or change as to any rights which have been acquired thereunder, after adoption of the mayor-council form of government by such city.

8.09. Park, play ground and fairground authority.—All laws and parts of laws relating to establishment of an authority for fairgrounds, parks, exhibits, exhibitions and other installations, facilities and place for the amusement, entertainment, recreation and cultural development of the citizens of a city, and for the powers, authority, mode of financing and conduct of the same, contained in the general or local laws of the state or in Title 62 of the Code of Alabama, as amended, as the same may apply and be in effect with respect to any city at the time when such city shall elect to be governed by the provisions of this act, shall continue in full force and effect, and without interruption or change as to the establishment or conduct of any authority created thereunder, after adoption of the mayor-council form of government by such city.

8.10. When provisions take effect.—For the purpose of nominating and electing members of the council and the mayor, the provisions of this act shall become applicable to any city adopting the mayor-council form of government upon the filing of the certificate of adoption by the judge of probate with the mayor or other chief executive office of the city as provided for in section 1.06 of Article I hereof. For all other purposes the provisions of this act shall become applicable to said city at the time when the first council of such city elected under the provisions hereof takes office and qualifies.

8.11. Continuance of ordinances and resolution.—All ordinances and resolutions of the city in effect at the time of adoption by the city of the mayor-council form of government herein set up shall continue in effect unless and until changed or repealed by the council.

Article IX. GENERAL PROVISIONS.

9.01. Removal of officers and employees.—Subject to the

provisions of any civil service or merit system applicable to the city, any officer or employee to whom the mayor, or a head of any office, department or agency, may appoint a successor, may be removed by the mayor or other appointing officer at any time, and the decision of the mayor, or other appointing officer, shall be subject to appeals therefrom, if any provided by applicable law.

9.02. Right of mayor and other officers in council.—The mayor, the heads of all departments, and such other officers of the city as may be designated by the council, shall be entitled to attend meetings of the council, but shall have no vote therein. The mayor shall have the right to take part in the discussion of all matters coming before the council, and the department heads and other officers shall be entitled to take part in all discussions of the council relating to their respective offices, departments or agencies.

9.03. Investigations by council or mayor.—The council, the mayor, or any person or committee authorized by either of them, shall have power to inquire into the conduct of any office, department, agency or officer of the city and to make investigations as to municipal affairs, and for that purpose may subpoena witnesses, administer oaths, and compel the production of books, papers and other evidence. Failure to obey such subpoena or to produce books, papers or other evidence as ordered under the provisions of this section shall constitute a misdemeanor and shall be punishable by a fine not to exceed \$100.00 or by imprisonment not to exceed six months, or both.

9.04. Contracts extending beyond one year.—No contract involving the payment of money out of the appropriation of more than one year shall be made for a period of more than five years, nor shall any such contract be valid unless made or approved by resolution or ordinance.

9.05. Publicity of records.—All records and accounts of every office, department or agency of the city shall be open to inspection by any citizen, any representative of a citizens' organization or any representative of the press at all reasonable times and under reasonable regulations established by the mayor, except records and documents the disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish.

9.06. Officers and employees not to be privately interested in city's contracts.—No member of the council, the mayor, officer or employee elected or appointed shall be interested, directly or indirectly, in any contract for work or material, or the profits thereof, or services to be furnished or performed for the city, and no such member of the council, the mayor,

officer or employee shall be interested, directly or indirectly, in any contract for work or material, or the profits thereof, or services to be furnished or performed for any person, firm or corporation operating interurban railway, street railway, gas works, electric light or power plant, heating plant, telegraph line or telephone exchange within the territorial limits of said city. No such member of the council, officer or employee of such city shall be interested in or an employee or attorney of and corporation operating any public service utility within said city. No such member of the council, officer or employee shall accept or receive, directly or indirectly, from any person, firm or corporation operating within the territorial limits of said city any interurban railway, railway, street railway, gas works, water works, electric light or power plant, heating plant, telegraph line, or telephone exchange, or other business using or operating under a public franchise, any frank, free pass, free ticket or free service, or accept or receive, directly or indirectly, from any such person, firm or corporation, any gift or other thing or value, or any service upon terms more favorable than are granted to the public generally. Any violation of the provisions of this section shall be a misdemeanor, and upon conviction thereof, the guilty person shall be punished by a fine of not less than one hundred nor more than three hundred dollars, and may be imprisoned in the county jail for not more than ninety days. Every such contract or agreement shall be voidable by the mayor or the council. Such prohibition of free transportation shall not apply to policemen or firemen in uniform nor to policemen in the discharge of their duty; nor shall service to city officials in their official capacity heretofore provided by any franchise or ordinance be affected by this section.

9.07. Official bonds.—The director of finance, and such other officers or employees as the council may by general ordinance required so to do, shall give bond in such amount and with such surety as may be approved by the council. The premiums on such bonds shall be paid by the city.

9.08. Oath of office.—Every officer of the city shall, before entering upon the duties of his office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the city clerk:

“ I solemnly swear (or affirm) that I will support the Constitution and will obey the laws of the United States and of the State of Alabama, that I will, in all respects, observe the provisions of the ordinances of the city of _____, and will faithfully discharge the duties of the office of _____.”

Article X. ABANDONMENT OF MAYOR-COUNCIL FORM OF GOVERNMENT.

10.01 Generally.—No city may change from the mayor-council form of government within two years after the adoption thereof. At the end of such period, or at any time thereafter, the city may change its form of municipal government, either to:

(a) The form of municipal government applicable to the city prior to its adoption of the mayor-council form of government, or to

(b) The council-manager form of municipal government provided such enabling legislation has been enacted.

(c) One of the commission forms of municipal government provided by Title 37, Alabama Code of 1940, as amended and supplemented.

10.02. Petition for change of form of government.—Such change shall, however, first be initiated by petition and submitted to a vote of the qualified electors at an election and shall receive at such election a majority of the votes "yes" or in favor thereof in the same manner and subject to the same requirements as provided in sections 1.02 to 1.05 of Article I of this act except that the proposition on the ballot shall be changed to reflect the proposed form of municipal government to be submitted to the vote of the qualified electors. The officers and members of the governing body of such newly adopted form of municipal government shall be elected as soon as may be under the provisions of law applicable thereto; and upon their election and qualification for office the term of office of all members of the council under the mayor-council form of government shall terminate.

10.03. No election on change more often than two years.—No election on the abandonment of the mayor-council form of government shall be held within two years after any other election thereon.

Article XI. GENERAL STATUTORY PROVISIONS.

11.01. Effect of act on existing law.—All laws and parts of laws, general, local or special, relating to or affecting the city, its powers, functions, duties and property, in force when this act shall take effect, are hereby continued in effect; but all such laws relating to the exercise of powers, functions and duties by the commission or council-manager or some other form of government shall be superseded to the extent that the same are inconsistent with the provisions of this act.

11.02. Separability clause.—If any section or part of section of this act shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this act nor the context in which such section or part of section so held invalid may appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply.

11.03. Short title.—This act shall be known and may be cited as the "Mayor-Council Act of 1973."

11.04. Effective date.—This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 28, 1973.

Time: 3:00 P.M.

APPENDIX ONE

COUNCIL DISTRICTS

COUNCIL DISTRICT 1

Beginning at the point of intersection of US 231 and the city limits in Section 33, Range 18, Township 17, proceed southerly along the centerline of that highway to intersection with Mt. Meigs Road, thence proceed westerly along the centerline of that road to intersection with Ann Street, thence proceed southerly along the centerline of that street to intersection with Thrasher Street, thence proceed easterly along the centerline of that street to the termination of Thrasher Street, thence continue to proceed easterly along the northern boundary of Section 16, Range 18, Township 16, to the northeast corner of said Section 16, thence proceed southerly along the eastern boundary of said Section 16 to intersection with Harrison Road, thence proceed easterly along the centerline of that road to intersection with Perry Hill Road, thence continue to proceed easterly along the northern boundary of the southeastern quarter of Section 15, Range 18, Township 16, to intersection with the city limits, thence proceed easterly along the city limits and continue to proceed along the city limits in such a fashion as to arrive at the point of origin. The area included within this boundary shall compose Council District One.

COUNCIL DISTRICT 2

Beginning at the point of intersection of US 231 and the city limits in Section 33, Range 18, Township 17, proceed southerly along the centerline of that highway to intersection with

Mt. Meigs Road, thence proceed westerly along the centerline of that road to intersection with Ann Street, thence proceed southerly along the centerline of that street to intersection with Thrasher Street, thence proceed westerly along the centerline of that street to intersection with Buford Street, thence proceed northwesterly along the centerline of that street to intersection with Mt. Meigs Road, thence proceed southwestly along the centerline of that road to intersection with California Street, thence proceed northerly along the centerline of that street to intersection with Upper Wetumpka Road, thence proceed southwestly along the centerline of that road to the intersection of the eastern boundary of Section 7, Range 18, Township 16, thence proceed northerly along the eastern boundary of Section 6, Range 18, Township 16, to the north-eastern corner of said Section 6, thence continue to proceed northerly along the eastern boundary of the southeastern quarter of Section 31, Range 18, Township 17, to the northeastern corner of said quarter section, thence proceed westerly along the northern boundary of said quarter section to the intersection of the city limits, thence proceed northeasterly along the city limits, and continue to proceed along the city limits in such fashion as to arrive at the point of origin. The area included within this boundary shall compose Council District Two.

COUNCIL DISTRICT 3

Beginning at the point of intersection of Interstate 65 and the city limits at the Alabama River, proceed southerly along the centerline of that highway to intersection with the Louisville and Nashville Railroad, thence proceed southwestly along the centerline of the right of way of that railroad to intersection with the northern boundary of Section 14, Range 17, Township 16, thence proceed easterly along that boundary to the northeast corner of said Section 14, thence continue to proceed easterly along the centerline of Clayton Avenue to intersection with Holcombe Street, thence proceed southerly along the centerline of that street to intersection with West Jeff Davis Avenue, thence proceed westerly along the centerline of that avenue to intersection with Goode Street, thence proceed southerly along the centerline of that street to intersection with Early Avenue, thence proceed easterly to its end and then continue along an extension of said centerline to the centerline of Clanton Avenue and continue along the centerline of that avenue to intersection with McDonough Street, thence proceed northerly along the centerline of that street to the intersection with Finley Avenue, thence proceed westerly along the centerline of that avenue to intersection with Lawrence Street, thence proceed northerly along the centerline of that street to intersection with Noble Street, thence proceed easterly along the centerline of that street

to intersection with McDonough Street, thence proceed northerly along the centerline of that street to intersection with East Jeff Davis Avenue, thence proceed easterly along the centerline of that avenue to intersection with South Decatur Street, thence proceed northerly along the centerline of that street to intersection with East South Street, thence proceed easterly along the centerline of that street to intersection with Union Street, thence proceed northerly along the centerline of that street to intersection with Grove Street, thence proceed easterly along the centerline of that street to intersection with Hall Street, thence proceed northerly along the centerline of that street to intersection with Adams Avenue, thence proceed easterly along the centerline of that avenue to intersection with the Central of Georgia Railroad, thence proceed southeasterly along the centerline of the right of way of that railroad to intersection with Yougene Street, thence proceed easterly along the centerline of that street to intersection with Buford Street, thence proceed northwesterly along the centerline of that street to intersection with Mt. Meigs Road, thence proceed southwesterly along the centerline of that road to intersection with California Street, thence proceed northerly along the centerline of that street to intersection with Upper Wetumpka Road, thence proceed southwesterly along the centerline of that road to intersection with the eastern boundary of Section 7, Range 18, Township 16, thence proceed northerly along that boundary to the northeast corner of said Section 7, thence continue to proceed northerly along the eastern boundary of Section 6, Range 18, Township 16, to the northeastern corner of said Section 6, thence continue to proceed northerly along the eastern boundary of the southeastern quarter of Section 31, Range 18, Township 17, to the northeastern corner of said quarter section, thence proceed westerly along the northern boundary of said quarter section to intersection with the city limits, thence proceed westerly along the city limits, and continue to proceed along the city limits in such a fashion as to arrive at the point of origin. The area included within this boundary shall compose Council District Three.

COUNCIL DISTRICT 4

Beginning at the point of intersection of Interstate 65 and the city limits at the Alabama River, proceed southerly along the centerline of that highway to intersection with the Louisville and Nashville Railroad, thence proceed southwesterly along the centerline of the right of way of that railroad to intersection with the northern boundary of Section 14, Range 17, Township 16, thence proceed easterly along that boundary to the northeast corner of said Section 14, thence continue to proceed easterly along the centerline of Clayton Avenue to in-

tersection with Interstate 65, thence proceed southerly along the centerline of that highway to intersection with West Jeff Davis Avenue, thence proceed westerly along the centerline of that avenue to intersection with Oak Street, thence proceed southerly along the centerline of that street to intersection with Early Street, thence proceed westerly along the centerline of that street to intersection with Mobile Road, thence proceed southwesterly along that road to intersection with Hayneville Road, thence proceed westerly along the centerline of that road to intersection with the Louisville and Nashville Railroad, thence proceed southerly along the centerline of the right of way of that railroad to intersection with the northern boundary of Section 27, Range 17, Township 16, thence proceed westerly along the city limits and continue to proceed along the city limits in such fashion as to arrive at the point of origin. The area included within this boundary shall compose Council District Four.

COUNCIL DISTRICT 5

Beginning at the point of intersection between Clayton Avenue and Interstate 65, proceed southerly along the centerline of Interstate 65 to intersection with West Jeff Davis Avenue, thence proceed westerly along the centerline of that avenue to intersection with Oak Street, thence proceed southerly along the centerline of that street to intersection with Early Avenue, thence proceed westerly along the centerline of that avenue to intersection with Mobile Road, thence proceed southwesterly along the centerline of that road to intersection with Shreve Street, thence proceed southeasterly along the centerline of that street to intersection with More Street, thence proceed southwesterly along the centerline of that street to intersection with the Atlantic Coast Line Railroad, thence proceed southeasterly along the centerline of the right of way of that railroad to intersection with Edgemont Avenue, thence proceed easterly along the centerline of that avenue to intersection with Goode Street, thence proceed northerly along the centerline of that street to intersection with West Jeff Davis Avenue, thence proceed easterly along the centerline of that avenue to intersection with Holcombe Street, thence proceed northerly along the centerline of that street to intersection with Clayton Avenue, thence proceed westerly along the centerline of that avenue to intersection with Interstate 65, thus arriving at the point of origin. The area included within this boundary shall compose Council District Five.

COUNCIL DISTRICT 6

Beginning at the point of intersection of Court Street and Fleming Road or the city limits, proceed northerly along

the centerline of Court Street to intersection with Edgemont Avenue, thence proceed westerly along the centerline of that avenue to intersection with the Atlantic Coast Line Railroad, thence proceed northwesterly along the centerline of the right of way of that railroad to intersection with More Street, thence proceed northeasterly along the centerline of that street to intersection with Shreve Street, thence proceed northwesterly along the centerline of that street to intersection with Mobile Road, thence proceed northeasterly along the centerline of that road to intersection with Hayneville Road, thence proceed easterly along the centerline of that road to intersection with the Louisville and Nashville Railroad, thence proceed southwesterly along the centerline of the right of way of that railroad to intersection with the northern boundary of Section 27, Range 17, Township 16, or Simmons Drive, thence proceed southwestwardly along the city limits, and continue to proceed along the city limits in such a fashion as to arrive at the point of origin. The area included within this boundary shall compose Council District Six.

COUNCIL DISTRICT 7

Beginning at the point of intersection of the city limits and Court Street, proceed northerly along the centerline of that street to intersection with Edgemont Avenue, thence proceed westerly along the centerline of that Avenue to intersection with Goode Street, thence proceed northerly along the centerline of that street to intersection with Early Avenue, thence proceed easterly to its end and then continue along an extension of said centerline to the centerline of Clanton Avenue and continue along the centerline of that Avenue to intersection with Gilmer Avenue, thence proceed southerly along the centerline of that Avenue to intersection with the northern boundary of the southern half of the northwest quarter of Section 19, Range 18, Township 16, thence proceed easterly along that boundary to intersection with Norman Bridge Road, thence proceed southerly along the centerline of that road to intersection with Fairview Avenue, thence proceed easterly along the centerline of that road to intersection with Woodley Road, thence proceed southeasterly along the centerline of that road to intersection with Narrow Lane Road, thence proceed southerly along the centerline of that road to intersection with the city limits, thence proceed southerly along the city limits boundary, and continue to proceed along the city limits in such a fashion as to arrive at the point of origin. The area contained within this boundary shall comprise Council District 7.

COUNCIL DISTRICT 8

Beginning at the intersection of the Central of Georgia

R. R. and the city limits in Range 18, Township 16, Section 35, proceed northwesterly along the centerline of the right of way of that railroad to intersection with Carter Hill Road, thence proceed westerly along the centerline of that road to intersection with Gail Street, thence proceed northerly along the centerline of that street to intersection with Jackson Street, thence proceed northerly along the centerline of that street to intersection with Grove Street, thence proceed westerly along the centerline of that street to intersection with Union Street, thence proceed southerly along the centerline of that street to intersection with South Street, thence proceed westerly along the centerline of that street to intersection with South Decatur Street, thence proceed southerly along the centerline of that street to intersection with East Jeff Davis Avenue, thence proceed westerly along the centerline of that Avenue to intersection with McDonough Street, thence proceed southerly along the centerline of that street to intersection with Noble Street, thence proceed westerly along the centerline of that Street to intersection with Lawrence Street, thence proceed southerly along the centerline of that street to intersection with Finley Avenue, thence proceed easterly along the centerline of that Avenue to intersection with McDonough Street, thence proceed southerly along the centerline of that street to intersection with Clanton Avenue, thence proceed westerly along the centerline of that Avenue to intersection with Gilmer Avenue, thence proceed southerly along the centerline of that Avenue to intersection with the northern boundary of the southern half of the northwest quarter of Section 19, Range 18, Township 16, thence proceed easterly along that boundary to intersection with Normanbridge Road, thence proceed southerly along the centerline of that road to intersection with Fairview Avenue, thence proceed easterly along the centerline of that road to intersection with Woodley Road, thence proceed southeasterly along the centerline of that road to intersection with Narrow Lane Road, thence proceed southerly along the centerline of that road to intersection with the city limits, and continue to proceed southerly along the city limits in such a fashion as to arrive at the point of origin. The area contained within this boundary shall comprise Council District 8.

COUNCIL DISTRICT 9

Beginning at the point of intersection of the Central of Georgia Railroad and the city limits in Section 35, Range 18, Township 16, proceed northwesterly along the centerline of the right of way of that railroad to intersection with Vaughn Road, thence proceed westerly along the centerline of Carter Hill Road to intersection with Gail Street, thence proceed northerly along the centerline of that street to intersection with Jack-

son Street, thence proceed northerly along the centerline of that street to intersection with Grove Street, thence proceed easterly along the centerline of that street to intersection with Hall Street, thence proceed northerly along the centerline of that street to intersection with Adams Avenue, thence proceed easterly along the centerline of that avenue to intersection with the Central of Georgia Railroad, thence proceed southeasterly along the centerline of the right of way of that railroad to intersection with Yougene Street, thence proceed easterly along the centerline of that street, and continue to proceed easterly along the centerline of Thrasher Street, and continue to proceed easterly along the northern boundary of Section 16, Range 18, Township 16, to the northeast corner of the said Section 16, thence proceed southerly along the eastern boundary of said Section 16 to intersection with Harrison Road, thence proceed easterly along the centerline of that road to intersection with Perry Hill Road, thence continue to proceed easterly along the northern boundary of the southeastern quarter of Section 15, Range 18, Township 16, to intersection with the city limits, thence proceed southerly along the city limits, and continue to proceed along the city limits in such a fashion as to arrive at the point of origin. The area included within this boundary shall compose Council District Nine.

Act No. 619

H. 1698—Benton, Kinsey

AN ACT

To amend Sections 2, 4, 6, 9 and 16 of Act No. 2452 of Regular Session 1971 (Acts 1971, p. 3917), which act replaces the justice of the peace court's jurisdiction with a court of limited jurisdiction, called Inferior Court, in counties having a population of not less than 57,000 nor more than 61,000 inhabitants according to the most recent federal decennial census, so as to: give such courts civil jurisdiction in claims of \$500 or less; to give such jurisdiction in appeals cases not exceeding \$500; to extend the term of office of the existing judge of said court; to delete the January 1, 1974 expiration clause of such courts' creation; and to provide for a new election, salary, and tenure for such judgeships.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 2, 4, 6, and 16 of Act No. 2453, Regular Session 1971 (Acts 1971, p. 3917) are hereby amended to read as follows:

"Section 2. Jurisdiction: The Courts hereby created shall not be a court of record and shall have and exercise the jurisdiction, and only the jurisdiction, formerly exercised by justices of the peace, to-wit:

“(a) Civil:

“(1) All actions founded on contract, when the sum claimed does not exceed \$500.

“(2) Of all actions founded on any wrong or injury when the damages claimed do not exceed \$500, except in actions of libel, slander, assault and battery, of which actions they have no jurisdiction.

“(3) All actions of forcible entry and unlawful detainer.

“(4) All actions brought to recover specific property, when the value does not exceed \$500.

“(5) In such other cases as jurisdiction is, or may be given by law, not contrary to the Constitution.

“(b) Criminal: To exercise jurisdiction in all such criminal matters and causes heretofore exercised or formerly exercised by justices of the peace, and concurrent original jurisdiction with County Court in all misdemeanors.

“(c) Miscellaneous: The court is hereby vested with all the other powers, duties and authority heretofore vested in justices of the peace in this state, including, but not limited to those appearing in Title 13, Sections 384 through 505, Code of Alabama 1940, as last amended.

“Section 4. Appeals: The defendant in a criminal case or either party in a civil case shall have the right to appeal to the circuit court or court of like jurisdiction in said county upon entering into an appeal bond, with sufficient sureties, in an amount not exceeding \$500 plus security for costs, returnable to the appellate court. Said appeal shall be tried de novo in the court to which said appeal is taken.

“Section 6. Appointment, Salary and Term: Four judges of said court shall be appointed by the Governor. The term of office shall be for two (2) years and the judges may be removed for cause or for any other reason which would disqualify any court of record of this state from holding office. Vacancies in said judgeships shall be filled by appointment of the Governor in ten (10) days after said vacancy occurs. Said judges must be twenty-one years of age or older, shall be a qualified voter in said county, and must be of good moral character.

“The salary of each judge shall be \$7200 per annum, payable in equal monthly installments to be paid out of the general fund of the county. In addition he shall be entitled to all fees arising from civil cases to which a justice of the peace would normally be entitled. In addition, said judges shall receive an,

annual expense allowance of \$2400, payable in equal monthly installments to be paid from the general fund of the county.

"Provided further, that the judges provided for and appointed in the first paragraph of this section shall have their terms of office extended until January 1, 1975. In the general election of 1974 and every four years, thereafter, one judge shall be elected from each County Commission District of such counties; and such elected judges shall take office January 1, 1975, and each serve a four year term of office, said elected judges taking office upon the expiration of the judges provided for and appointed in the first paragraph of this section. Said elected judges shall be in lieu of the above mentioned appointed judges; but should have the same qualifications and shall possess the same powers, authority, and jurisdiction conferred by the provisions of this act.

"Section 9. (a) The fee collected by such court in each civil case shall be \$5.00."

"Section 16. Effective Date: This act shall become effective immediately upon approval by the Governor or upon its otherwise becoming law."

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:30 P.M.

Act No. 620

H. 1717—Owens

AN ACT

Relating to Hale County; providing for the election of the associate members of the county governing body.

Be It Enacted by the Legislature of Alabama:

Section 1. In Hale County the associate members of the county commission, Board of Revenue or other like governing bodies of such county, shall reside in and be a qualified elector

of the district he represents but all such members shall be elected by the qualified electors of the county.

Section 2. The county shall remain in four districts numbered one through four. District No. 1 shall be composed of beats 2, 12, 16, and all of beat 1 lying west of Alabama State Highway 69. District No. 2 shall be composed of beat 6 and all of beat 4, from the north beat 4 boundary line, lying west of Alabama State Highway 69 south to Hale County Highway 24, and all of beat 4 lying north of Hale County Highway 24, to the west boundary line of beat 4. District 3 shall be composed of beats 5, 7, 8, 9, all of beat 4 lying west of Alabama State Highway 61 south from the intersection of Alabama State Highway 14, all of beat 4 lying south of Alabama State Highway 14 from the intersection of Alabama State Highway 69 to Alabama State Highway 61, all of beat 4 lying east of Alabama State Highway 69 south of the intersection of State Highway 14 down to Hale County Highway 24, then all of beat 4 lying south of Hale County Highway 24. District 4 shall be composed of beats 3, 10, 11, 13, all of beat 1 lying east of Alabama State Highway 69, all of beat 4 lying east of Alabama State Highway 61 south from the intersection of Alabama State Highway 14, all of beat 4 lying north of Alabama State Highway 14 east to Alabama State Highway 61, from the intersection of Alabama State Highway 69, all of beat 4 lying east of Alabama State Highway 69 from the north beat 4 boundary line south to the intersection of Alabama State Highway 14. The word "beats" as used herein means the election beats or precincts into which the county is divided pursuant to law on the date on which this act becomes law.

Section 3. The members shall be elected for overlapping terms. Clifton Abernathy, Jr. shall serve district 1, Harry W. Drake shall serve district 2, Goldsby Tucker shall serve district 3, and John B. Stokes shall serve district 4. Members of the governing body in districts 2 and 3 shall be elected at the general election held in 1976. Members of district one and four shall be elected at the general election held in 1974; each member shall take office on the first Monday after the second Tuesday in January next following their election. All members of the governing body shall serve for four year terms.

Section 4. All laws or parts of laws which conflict with this act are repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:35 P.M.

Act No. 621

H. 1718—Owens

AN ACT

To repeal Act No. 2022, H. 2507, Regular Session 1971 (Acts 1971, p. 3261) which provided for the election of the associate members in the county governing body in counties having a population of 15,650 to 16,200.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 2022, H. 2507, Regular Session 1971 (Acts 1971, p. 3261) entitled "Relating to counties having a population of not less than 15,650, nor more than 16,200, according to the most recent federal decennial census; providing for the election of the associate members of the county governing body." is hereby specifically repealed.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:35 P.M.

Act No. 622

H. 1719—Owens

AN ACT

To authorize the establishment of branch banks in Hale County.

Be It Enacted by the Legislature of Alabama:

Section 1. Any bank, whether incorporated or unincorporated, whose principal place of business is located in Hale County, shall have the power to establish, maintain, and operate within the limits of said county, one or more branches or branch banks, branch offices, branch agencies, additional offices, or branch places of business for the receipt of deposits, payment of checks, lending of money and the conduct of a general banking and trust business, provided that such bank before the establishment of any such branch or branches, shall first secure the written consent thereto of the state superintendent of banks.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:35 P.M.

Act No. 623

H. 1720—Owens

AN ACT

Relating to Hale County, to provide that the sheriff shall be entitled to the allowances payable by the state for feeding prisoners; to provide that the provisions of this Act shall be retroactive to January 18, 1971.

Be It Enacted by the Legislature of Alabama:

Section 1. The sheriff of Hale County shall be entitled to keep and retain the allowances payable by the state for feeding prisoners.

Section 2. The provisions of this Act shall be retroactive to January 18, 1971, and all actions taken by the sheriff in accordance with the provisions of this Act are hereby validated and confirmed.

Approved August 27, 1973.

Time: 5:35 P.M.

Act No. 624

H 1728—McCorquodale

AN ACT

Relating to Clarke County; authorizing the county commission, in its discretion, to establish an inferior court in said county in lieu of the existing inferior court; providing for the manner of establishing the Clarke County Inferior Court and defining its jurisdiction in both civil and criminal matters, and fixing its terms; providing for the officers of said court and prescribing their powers, duties, authority and compensation; providing for the rules of procedure and the operation of said court and for the transfer of all cases and actions pending in the existing inferior court of said county and for the transfer of the power to control and issue executions and other processes of the existing said court to the Clarke County Inferior Court; and providing for the abolition of the Inferior Court of Clarke County upon the establishment of the court herein authorized.

Be It Enacted by the Legislature of Alabama:

Section 1. The Clarke County Commission, in its discretion and upon its resolution duly adopted and recorded, shall be

authorized to provide for the establishment of an inferior court for Clarke County which shall be in lieu of the existing Inferior Court of Clarke County and which shall be known as the Clarke County Inferior Court. Such court shall be established as hereinafter provided.

Section 2. Upon a resolution of the Clarke County Commission, duly adopted and recorded in its minutes, in favor of establishing an inferior court in lieu of the existing inferior court in Clarke County, the Clarke County Inferior Court shall be created. Such court shall have original jurisdiction concurrent with the circuit court of Clarke County of all misdemeanors committed in Clarke County, preliminary jurisdiction of all felonies concurrent with the jurisdiction heretofore exercised by justice of the peace courts of the county and by the Inferior Court of Clarke County; and it shall have all other jurisdiction which is now or may hereafter be conferred by general law upon the county courts of this state. Such court shall also have and exercise jurisdiction in all civil actions at law, except actions of ejectment, where the amount in controversy does not exceed \$1,000.00; and the jurisdiction of said court shall extend to and include, but not be limited to, all statutory actions for recovery of possession of land under Title 31, Chapter 3, Section 35 through 45, and Title 7, Chapter 26, Section 964 through 994, of the Code of Alabama as such statutes now exists or may hereafter be amended.

Section 3. A term of the Clarke County Inferior Court for the trial of both civil and criminal matters shall be held on the first Monday of every month; special sessions may be held at any time, except on Sunday, as the judge of the court may direct. All sessions of the court shall be held at the courthouse of the county, and may continue until the business of the court is disposed of. Said court shall be open at the discretion of the judge thereof any day during the week, except Sundays, for the trial of criminal offenses coming within its jurisdiction in all cases where the party or parties charged cannot give bond and security for their appearance at the regular terms of said court or desire an immediate trial. In such cases, causes may be continued for good cause shown under the regulations governing the continuance of causes in county courts; but nothing herein contained shall be so construed as to prevent or interfere with the regular terms of said court.

Section 4. The term of office of the judge of such court shall be six years and shall be concurrent with that of the Judge of Probate of the County; upon creation of such court, the Governor shall appoint the judge of such court to hold office upon expiration of the then current term of such Judge of Probate, and his successors shall be elected at the general election next

preceding such expiration; provided, however, that if such court be created more than two years prior to expiration of the then current term, the judge so appointed shall hold office only until the next succeeding general election, at which a successor to such judge shall be elected for the remainder of the unexpired term; each such judge shall hold office until his successor is elected and qualified. It shall not be necessary that such judge be learned in the law, but he shall be a resident and qualified elector of the county at the time of his appointment or election and throughout his term of office.

Section 5. The Judge of the Clarke County Inferior Court shall receive an annual salary of \$6,000.00 payable in equal monthly installments out of the county treasury; and such salary shall be the only compensation allowed the judge of said court for services rendered in and about such court. Said judge shall have all the duties, powers and authority which are now or may hereafter be conferred by general law upon the judges of county courts of the state.

Section 6. The Clarke County Inferior Court shall not be a court of record, and appeals from the judgments rendered by said court may be taken to the circuit court of said county in the same way and in accordance with the same procedure as provided for appeals from the county courts of this state in criminal matters and as formerly provided for appeals from justice of the peace courts in civil matters.

Section 7. The clerk of the circuit clerk of the county shall be ex officio clerk of the Clarke County Inferior Court. He shall have all of the duties, powers and authority which are now or may hereafter be conferred by general law upon the clerks of county courts of the state; and in addition, he may take affidavits and complaints in misdemeanor cases and may issue warrants of arrest in such cases returnable to the court. Such complaints and warrants shall have the same legal force and effect as though the same had been taken or issued by the judge of said court.

Section 8. The clerk of the Clarke County Inferior Court shall receive as compensation for his services in said court the same costs, fees and compensation as are now allowed by law to clerks of county courts in criminal cases, which shall be paid in like manner; in civil cases, he shall receive as compensation for his services in said courts the same costs, fees and compensation as are now allowed by law to clerks of the circuit court in civil cases, which shall be paid in like manner.

Section 9. The sheriff of Clarke County shall in person or by deputy attend upon the Clarke County Inferior Court, preserve order, execute all writs of process issued therefrom and

perform such other duties as he is required by law to perform in the circuit court of the county. For services rendered by him, other than attendance upon said court, there shall be computed the same costs, fees and compensation as are allowed by law for similar services performed by sheriffs in both civil and criminal cases in the circuit courts of this state, which shall be paid in like manner, but shall be paid into the General Fund of the County when collected.

Section 10. The laws and rules governing practice and procedure in the county courts and formerly governing practice and procedure in justice of the peace courts while they existed, shall apply in the Clarke County Inferior Court; however, civil suits must be commenced by summons and complaint served on the defendant not less than 15 days before the return day thereof. Service of the summons and complaint must be executed by personal service of a copy thereof on the defendant. Court costs in criminal cases in the Clarke County Inferior Court shall continue to be taxed and collected as they are now or hereafter taxed and collected, and in civil cases the costs shall be the same as are now or hereafter provided by law or the Circuit Court of Clarke County.

Section 11. Upon the establishment of the Clarke County Inferior Court, all cases and actions pending in the Inferior Court of Clarke County shall, on the date of such establishment, be transferred to the Clarke County Inferior Court and shall proceed as though begun therein, whereupon the Inferior Court of Clarke County shall be abolished. As to judgments rendered by the abolished court, the court established in lieu of such court shall have the same power to control, and may issue executions and other processes thereon in all respects as though the judgments had been rendered by it.

Section 12. The provisions of this act this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 13. All laws or parts of laws which conflict with this act are hereby repealed.

Section 14. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:35 P.M.

Relating to counties having a population of not less than 41,750 nor more than 45,000; to provide for the payment of per diem allowance to members of boards of registrars in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. The members and the clerk of the board of registrars of all counties having a population of not less than 41,750 nor more than 45,000 according to the most recent federal decennial census shall each receive \$10.00 per day to be paid by the county on order of the probate judge for each day's attendance of the registrar upon the sessions of the board. The per diem provided for herein shall be payable from the general funds of the county and shall be in lieu of all other compensation received by said board with the exception of that prescribed by Act No. 531, S. 101, Regular Session 1947, (Acts 1947, p. 388) amended.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:35 P.M.

Act No. 626

H. 1731—Fite

AN ACT

To provide additional exemptions from the Marion County sales and use tax law.

Be It Enacted by the Legislature of Alabama:

Section 1. There shall be exempted from the computation of the amount of the Marion County sales and use tax levied, assessed, or imposed by Act No. 115, H. 409, Regular Session 1949 (Acts of Alabama 1949, p. 139) the gross proceeds of the sale of ammonium nitrate used for blasting in the coal mining industry, which exemption shall be in addition to all other exemptions prescribed in or provided for by said Act No. 115 of 1949, as amended.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall take effect on the first of the month next following the day of its enactment.

Approved August 27, 1973.

Time: 5:35 P.M.

Act No. 627

H. 1733—Connell, Crawford

AN ACT

To provide deputies and clerks for the office of Sheriff of Houston County, Alabama, to regulate their compensation and provide for the payment thereof, and to classify deputy bookkeepers and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The Sheriff of Houston County, Alabama, may, after the effective date of this Act, employ the following deputies and clerks at the following rates of compensation, Viz; not less than one (1) Chief Deputy who shall receive not less than Eighty Seven Hundred Dollars (\$8,700) per annum; not less than Eleven (11) deputies and each shall receive not less than Seventy Two Hundred Dollars (\$7,200) per annum; not less than Three (3) deputies who shall serve as jailers, each shall receive not less than Seventy Two Hundred Dollars (\$7,200) per annum; not less than one (1) Clerk with the Classification of Clerk I Bookkeeper deputy; who shall receive not less than Fifty Seven Hundred Dollars (\$5,700) per annum; not less than one (1) clerk with the classification of Clerk II bookkeeper deputy, who shall receive not less than Fifty Four Hundred Dollars (\$5,400) per annum; not less than one (1) clerk with the classification of Clerk III Bookkeeper deputy, who shall receive not less than Fifty One Hundred Dollars (\$5,100) per annum; each of the above said deputies and clerks bookkeeper deputy shall be entitled to a five percent increase of their total salary effective October 1, 1974; Effective October 1, 1975, each of the above said deputies and clerks bookkeeper deputy shall be entitled to a five percent increase of their total salary and thereafter each of the deputies and clerks Bookkeeper Deputy shall be entitled to additional increases after each additional three year period of employment in amounts equal to not less than five percent of their basic salary; such increases shall be subject to the approval of the Sheriff of said county.

Section 2. The deputies and clerks bookkeeper deputy provided for in this act shall receive their compensation in equal monthly installments upon warrants drawn in the same manner

as other employees of Houston County, Alabama and out of funds available for such purposes, the board of commissioners or other like governing body of Houston County may in its discretion, provide for the payments of the compensation of the Chief Deputy and any of the other deputies to be paid in whole or in part from the County public Highway and traffic fund.

Section 3. The deputies and clerks Bookkeeper Deputy provided for in this act shall serve at the pleasure of the Sheriff and they shall be appointed by the Sheriff and shall perform such duties as the Sheriff may prescribe.

Section 4. The deputies and clerks employed in this act, before entering upon their duties, such deputies and clerks shall make bond payable to the Sheriff of said county in the sum of Two Thousand Dollars (\$2,000) conditioned as required by Section 35, Title 41, Code of Alabama 1940, premiums on such bonds shall be payable from such funds as the County Commission or like governing body of Houston County prescribes.

Section 5. Nothing herein contained shall be construed as depriving the board of county commissioners or like governing body of Houston County of authority to provide additional deputies and clerks bookkeeper deputy as the Sheriff may require for the efficient conduct of his office and their compensation shall be fixed by the said county commissioners or like governing body of said county, the additional deputies and clerks shall come under the provisions of this Act.

Section 6. This Act shall supersede (Act 189, S. 379, page 503, Regular Session 1969) (Act No. 1102, H. 1935, page 1934, Regular Session 1971). All other laws or parts of laws which conflict with this act are repealed.

Section 7. The provisions of this act are severable, if any part is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. This act shall become effective October 1, 1973.

Approved August 27, 1973.

Time: 5:35 P.M.

Act No. 628

H. 1735—Connell, Crawford

AN ACT

To amend Section 6 of Act No. 938, H. 1359, Regular Session of the Legislature of Alabama 1969, page 1674, approved September 12, 1969, entitled: "An Act to abolish the Board of Revenue for Houston County,

created by Act No. 599, H. 898, of the Regular Session of the Legislature of Alabama 1949, and to relieve the judge of probate of Houston County of his duties, powers and authority as president and ex officio member thereof; and to create the Houston County Board of Commissioners and the office of chairman of such board; to provide for the election, term of office, qualifications, duties and compensation of the chairman and commissioners; and to constitute such board and chairman thereof as the governing body of Houston County and invest them with the duties of the governing of such county".

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 6 of Act No. 938, H. 1359, page 1674, Regular session of the Legislature of Alabama 1969, approved September 12, 1969, entitled as aforesaid, be and the same is hereby amended to read as follows:

"Section 6. As compensation for the performance of his duties the chairman of the board of commissioners shall receive a salary of Fifteen Thousand Dollars (\$15,000) per annum, and the commissioners shall each receive a salary of Forty Five Hundred Dollars (\$4,500) per annum. Such salaries shall be paid in equal monthly or semi-monthly installments as the salaries of other county officers and employees are paid, and shall be paid out of such fund or funds in the county treasury as specified by such board of commissioners. In addition to such salaries each commissioner shall also be entitled to receive from the county treasury an expense allowance of One Hundred Fifty Dollars (\$150) per month. The Chairman shall not receive an expense account.

Section 2. This act shall become effective upon the expiration of the term of the incumbent chairman and commissioners of said county.

Approved August 27, 1973.

Time: 5:35 P.M.

Act No. 629

H. 1736—Connell, Crawford

AN ACT

To provide clerks, Maintenance Engineer and other assistants for certain officers of Houston County, Alabama, to regulate their compensation and provide for the payment thereof, to classify clerks, to transfer Six (6) clerks from the office of Judge of Probate to the Commissioner of Licenses department on a given date and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The Judge of Probate of Houston County, Alabama, may, after the effective date of this act, employ the

following clerks and assistants at the following rates of compensations, Viz; not less than one (1) chief clerk who shall receive not less than Six Thousand Three Hundred Dollars (\$6,300) per annum; not less than Four (4) clerks whose classification shall be Clerk I, and each shall receive not less than Fifty Seven Hundred Dollars (\$5,700) per annum; not less than two (2) clerks whose classification shall be Clerk II, and each shall receive not less than Five Thousand Four Hundred Dollars (\$5,400) per annum; not less than three (3) clerks whose classification shall be Clerk III, and each shall receive not less than Five Thousand One Hundred Dollars (\$5,100) per annum; not more than Thirty Six Hundred Dollars (\$3,600) per annum as a contingent fund to compensate and appoint extra clerks and assistants as he deems necessary to perform the duties of the office of Judge of Probate.

Effective April 1, 1974, the following clerks and the contingent fund of this section shall be transferred to the commissioner of licenses of said county and shall continue with the same rate of compensation as set out in this Act; the clerks are, two (2) clerks with the classification of Clerk I, one (1) clerk with the classification of Clerk II and Three (3) clerks with the classification of Clerk III.

Section 2. The Governing body of Houston County, Alabama, may, after the effective date of this Act employ the following clerks and maintenance Engineer for the accounting department of the county at the following rates of compensations, Viz; not less than one (1) chief clerk who shall receive not less than Six Thousand Three Hundred Dollars (\$6,300) per annum; not less than one (1) maintenance Engineer who shall receive not less than Seventy Eight Hundred Dollars (\$7,800) per annum; not less than two (2) clerks whose classification shall be Clerk I, and each shall receive not less than Fifty Seven Hundred Dollars (\$5,700) per annum; not less than Three (3) clerks whose classification shall be Clerk II, and each shall receive not less than Five Thousand Four Hundred (\$5,400) per annum; not less than One (1) clerk whose classification shall be Clerk III, and who shall receive not less than Five Thousand One Hundred Dollars (\$5,100) per annum.

The Governing body shall assign one (1) of the above said clerks to be Secretary to the chairman and clerk to the commission, one (1) clerk to the civil Defense Director of said county and one (1) clerk for the Typhus Control program of said county.

Section 3. The County revenue commissioner of Houston County, Alabama, may, after the effective date of this Act, employ the following clerks and assistants at the following rates

of compensations, Viz; not less than one (1) Chief Clerk who shall receive not less than Six Thousand Three Hundred Dollars (\$6,300) per annum; not less than two (2) Clerks whose classification shall be Clerk I, and each shall receive not less than Fifty Seven Hundred Dollars (\$5,700) per annum; not less than two (2) clerks whose classification shall be Clerk II, and each shall receive not less than Fifty Four Hundred Dollars (\$5,400) per annum; not less than two (2) clerks whose classification shall be Clerk III, and each shall receive not less than Fifty One Hundred Dollars (\$5,100) per annum; not less than Twenty Four Hundred Dollars (\$2,400) per annum, as a contingent fund to compensate and appoint extra clerks and assistants as he deems necessary to perform the duties of the office of county revenue commissioner.

Section 4. The Clerk of the Circuit court of Houston County, Alabama, may, after the effective date of this Act, employ the following clerks at the following rates of compensations, Viz; not less than one (1) Chief Clerk who shall receive not less than Six Thousand Three Hundred Dollars (\$6,300) per annum; not less than one (1) clerk whose classification shall be Clerk I, and shall receive not less than fifty Seven Hundred Dollars (\$5,700) per annum; not less than one (1) clerk whose Classification shall be Clerk II, and shall receive not less than Five Thousand Four Hundred Dollars (\$5,400) per annum; not less than two (2) clerks whose classification shall be Clerk III, and each shall receive not less than Fifty One Hundred Dollars (\$5,100) per annum.

Section 5. The Register of the Circuit court of Houston County, Alabama, may, after the effective date of this act, employ the following clerks and assistants at the following rates of compensations, Viz; not less than one (1) chief clerk who shall receive not less than Six Thousand Three Hundred Dollars (\$6,300) per annum; not less than one (1) clerk whose classification shall be Clerk I, and shall receive not less than Fifty Seven Hundred Dollars (\$5,700) per annum; not less than one (1) clerk whose classification shall be Clerk II and shall receive not less than Five Thousand Four Hundred Dollars (\$5,400) per annum.

Section 6. Each of the Chief Clerks and the clerks with classification of Clerk I, II, III and maintenance engineer of this act, having been employed continually with Houston County for the last Ten years up to the date this act is approved by the Governor and having not received an increase in salary of more than ten percent of the basic salary of this act since April 1, 1973, each shall be entitled to an increase of not less than nor more than ten percent of the basic salary as set out in this Act the above said increases in salary shall become effective October

1, 1973. Effective October 1, 1974, each chief clerk, maintenance engineer and each clerk with the classification of clerk I, II and III of this act shall be entitled to an increase in salary of not less than five percent of their total salary; Effective October 1, 1975, each chief clerk, maintenance engineer and each clerk with the classification of clerk I, II and III of this act shall be entitled to an increase in salary of not less than five percent of their total salary and thereafter each chief clerk, maintenance engineer and each clerk with the classification of clerk I, II and III shall be entitled to additional increases after each additional three year period of employment in amounts equal to and not less than five percent of the basic salary, such increases shall be subject to the approval of each elected official affected by this act.

Section 7. The Clerks, Maintenance Engineer and assistants provided for in this act shall serve at the pleasure of the appointing officers. Their salaries shall be paid in equal monthly installments from the general fund of Houston County upon separate warrants drawn in the manner provided for the payment of other employees of the county.

Section 8. Nothing herein contained shall be construed as depriving the board of county commissioners or like governing body of Houston County of authority to provide additional clerks and assistants as the officers herein named may require for the efficient conduct of their offices and their classification and compensation shall be fixed by the said county commissioners or like governing body of Houston County, the additional clerks and assistants shall come under the provisions of this act.

Section 9. The provisions of this act are severable, if any part is declared invalid or unconstitutional such declaration shall not affect the part which remain.

Section 10. This Act shall supersede (Act No. 11, S. 88, page 35, Regular Session 1957) (Act No. 200, S. 168, page 598, Regular Session 1963) (Act No. 444, H. 338, page 1116, Regular Session 1967). All other laws or parts of laws which conflict with this act are repealed.

Section 11. This Act shall become effective October 1, 1973.

Approved August 27, 1973.

Time: 5:35 P.M.

Act No. 630

H. 1737—Connell, Crawford

AN ACT

To provide compensation for the Court bailiff of Houston County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The Court of County Commission of Houston County, Alabama is hereby authorized to provide for compensation for the Court Bailiff of said county in an amount not to exceed \$15 for each day said bailiff serves in his official capacity.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. The provisions of this Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 27, 1973.

Time: 5:35 P.M.

Act No. 631

H. 1738—Connell, Crawford

AN ACT

Relating to certain payments from the county treasury of Houston County, Alabama, to certain county officers, and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The following officers of Houston County, Alabama, each shall be entitled to an annual salary as follows:

(a) For Clerk Circuit Court, an annual salary of Eight Thousand Dollars (\$8,000).

(b) For Register of the Circuit Court, an annual salary of Seven Thousand Dollars (\$7,000).

Section 2. The salaries for the County officers as provided in this Act, shall be paid in equal monthly installments upon warrants, and out of any funds of Houston County available for such purposes, all of which shall be in addition to any other compensation prescribed by law for the above county officers.

Section 3. This Act shall supersede (Act No. 1111, page 1940, Regular Session of the Legislature of Alabama 1971) (Act No. 1128, page 1955, Regular Session of the Legislature of Alabama 1971).

Section 4. This Act shall take effect on the expiration of the current term of office of each of the officers affected thereby.

Approved August 27, 1973.

Time: 5:35 P.M.

Act No. 632

H.J.R. 167—McCluskey, Smith (P)

HOUSE JOINT RESOLUTION

COMMENDING MRS. JUANITA LEDBETTER UPON BEING NAMED PRESIDENT OF THE ALABAMA ASSOCIATION OF SCHOOL OFFICE PERSONNEL.

WHEREAS Mrs. Juanita Ledbetter of Talladega has recently been named president of the Alabama Association of School Office Personnel, which association has a membership of over 500, involving office personnel in public schools, junior colleges and trade schools; and

WHEREAS Mrs. Ledbetter has been bookkeeper for the Talladega County Board of Education since May 1964 where she answers an infinite variety of questions in addition to currently handling annual funds in excess of four million dollars, checking invoices and figuring mileages, special taxes, bond issues, beer tax and state revenue in disbursements to Talladega and Sylacauga city schools in accordance with state and federal regulations, all of which she does in a most efficient, gracious and friendly manner; and

WHEREAS prior to joining the central office staff of the Talladega County Board of Education, Mrs. Ledbetter had worked in the area of payroll and bookkeeping and since that time has been involved for a number of years in the work of the Association for which she has served as a board member for District V for five years, and as a second vice president and first vice president, as well as on various committees; and

WHEREAS Mrs. Ledbetter is a modest, but most attractive and trim wife, mother and grandmother, who is a distinct asset to any office she adorns; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate Mrs. Ledbetter upon her elevation to the presidency of the Alabama Association of School Office Personnel and extend to her all best wishes for a happy and successful term of office.

Approved August 27, 1973.

Time: 5:35 P.M.

At No. 633

H.J.R. 168—Taylor, Barron, Jones (F), Hobbie,
Harris, Edwards

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF MR. WILLIAM A. OLD- ACRE

WHEREAS, Mr. William A. Oldacre of Montgomery and Autauga Counties departed this life unexpectedly as a result of a tragic accident on July 21, 1973; and

WHEREAS, after compiling an outstanding record as a student at the University of Alabama School of Law where he was president of the 1958 graduating class, he entered the practice of law in Montgomery, was a highly respected and outstanding member of the Montgomery Bar and the Alabama State Bar and at the time of his death was a partner in the law firm of Hill, Hill, Stovall, Carter and Franco; and

WHEREAS, Mr. Oldacre is survived by his wife, Mrs. Sue Oldacre and four children, William, Jr., Leah, Suzanne and Leslie; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of this excellent man and offer our sincere sympathy and condolences to Mrs. Oldacre and his family to whom copies of this resolution shall be sent.

Approved August 27, 1973.

Time: 5:35 P.M.

Act No. 634 H.J.R. 169—Taylor, Barron, Jones (F), Hobbie
Harris

HOUSE JOINT RESOLUTION

COMMENDING MR. BART STARR

WHEREAS, Bart Starr, our native son of Montgomery, has proven to be one of the great amateur and professional athletes of our time; and

WHEREAS, he has brought great credit on Montgomery and our state by his talent and ability, but to an even greater degree by his demonstrated intelligence, courage and character; and,

WHEREAS, his private life and conduct reflects the highest standards, serving as an example to our youth of the advantages of discipline and virtue; and

WHEREAS, he has decided to retire as an active player in professional football; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OFF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Mr. Bart Starr be commended on the completion of a great career as a player, and we extend our warm good wishes for every success in his future life.

BE IT FURTHER RESOLVED That copies of this resolution be furnished to Mr. Bart Starr and to his father Mr. Ben Starr of Montgomery.

Approved August 27, 1973.

Time: 5:35 P.M.

Act No. 635 H.J.R. 170—Taylor, Barron, Jones (F), Hobbie,
Harris

HOUSE JOINT RESOLUTION

COMMENDING JOHN T. "TOMMY" KIRK

WHEREAS John T. "Tommy" Kirk of Montgomery covered the sessions of the Alabama House of Representatives for the Alabama Educational Television Network, during the 1971 regular session; and

WHEREAS Mr. Kirk performed skillfully and well, providing the people of this state with a fair, honest and undistorted view of the proceedings and activities of the House of Representatives, through direct coverage and interviews with many members of this body; and

WHEREAS he has proven his proficiency in the field of law by successfully passing the State Bar examinations, and has entered into the private practice of law in Montgomery, Alabama, in association with our colleague Sam Taylor; now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That John T. "Tommy" Kirk be commended and congratulated for completing said examinations and we extend to him every good wish for his continued success as a practicing attorney.

Approved August 27, 1973.

Time: 5:35 P.M.

Act No. 636 H.J.R. 171—Bank, Parker, Robertson, Culver
HOUSE JOINT RESOLUTION

COMMENDING LEWIS E. McCRAY FOR HIS AMERICAN LEGION AND OTHER CIVIC ACTIVITIES, AND WISHING HIM THE BEST OF LUCK TOWARD HIS ELECTION AS NATIONAL COMMANDER OF THE AMERICAN LEGION.

WHEREAS, Lewis E. McCray of Tuscaloosa was born in Moundville, Alabama, and educated in the public schools of Moundville and at the University of Alabama; and

WHEREAS, Lewis E. McCray served in the United States Army in World War II and was stationed on Luzon in the Philippine Islands and was discharged with the rank of Technical Sergeant; and

WHEREAS, Lewis E. McCray's American Legion activities within the Department of Alabama have included Past Commander, Walter E. Bare Post 43, Birmingham; Past Commander, Moundville Post 174, Moundville; Past Commander, Farley W. Moody Post 34, Tuscaloosa, Fifth District Commander, 1951-52; Central Area Commander, 1954-55; Department Senior Vice Commander, 1955-56; Department Commander, 1956-57; Chairman, Boys State Commission since 1957; Director, Boys State since 1969; Chairman, Rehabilitation Commission, Department of Alabama, 1959-60; Member, Department Convention Commission since 1967; and

WHEREAS, Lewis E. McCray's National American Legion activities have included Member, National Pilgrimage Committee touring World War I European battlefields; Vice-Chairman Legislative Commission, 1957-60; Member, Publications Commission, 1960-63; Member Civil Defense Committee, 1963-69; National Vice Commander, 1968-69; Member, Americanism Commission since 1969; and

WHEREAS, Lewis E. McCray presently serves as Executive Director of the West Alabama Planning and Development Council, a position he has held since 1967, and formerly was Executive Assistant to the Honorable Armistead I. Selden, Member of Congress and an Instructor at Shelton Technical Institute (Tuscaloosa) in the Business Education Department; and

WHEREAS, Lewis E. McCray is married to the former Allene Lovell of Birmingham and they have two children, Mike and Anita; and

WHEREAS, Lewis E. McCray's church, civic and fraternal affiliations include: Member and Deacon, First Baptist Church, Tuscaloosa; Member, Masons, Rising Virtue Lodge Number 4, Tuscaloosa; Member, Tuscaloosa Rotary Club; Member, Greater Tuscaloosa Area Chamber of Commerce; Past President Tuscaloosa County Tuberculosis Society; Past President, Tuscaloosa

Society of Crippled Children and Adults; Member, Tuscaloosa County Preservation Society; Member, Tuscaloosa City Beautification Board; Member, Tuscaloosa City Preservation Authority; Member, Board of Veterans Affairs, State of Alabama, 1957-61; Member, USS Alabama Battleship Commission since 1963. He is further a member of the American Society of Planning Officials and the American Society of Public Administrators; and

WHEREAS, Lewis E. McCray is currently seeking the post of National Commander of the American Legion, a position for which he is eminently qualified; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body commends Lewis E. McCray for his American Legion and other civic activities, and does wish him the best of luck toward his election as National Commander of the American Legion.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Lewis E. McCray in Tuscaloosa.

Approved August 27, 1973.

Time: 5:35 P.M.

Act No. 637

H.J.R. 173—Grainger

HOUSE JOINT RESOLUTION

REQUESTING STATE PERSONNEL BOARD TO SURVEY ENVIRONMENTAL AND INDUSTRIAL PROFESSIONAL AND TECHNICAL PERSONNEL CLASSIFICATIONS IN SOUTHEASTERN REGION.

Whereas two of the highest priorities of the State of Alabama is enhancement and protection of this State's environment and orderly, responsible industrial development;

Whereas in order to carry out the Legislative mandates expressed in the 1971 Alabama Water Pollution Control Act, the 1971 Alabama Air Pollution Control Act, and the 1969 Alabama Development Office Act persons of highest qualification and competence in Air and Water Pollution Control and Industrial Development must be recruited and retained;

Whereas intense competition among private and governmental agencies for persons skilled in the enhancement and protection of the environment and responsible industrial development makes impossible the recruitment of qualified new

personnel and difficult the retention of competent personnel under present conditions, and

Whereas the proliferation of environmental control programs and industrial development programs across the nation has created and will create intense competition among those programs for the limited supply of top quality environmental technical employees and industrial development professionals that the pay rates currently applicable to such employees in Alabama fall far below the national average and below the Southeast average for such pay rates;

Therefore, Be It Resolved by the House of Representatives, the Senate concurring, that the State Personnel Board is hereby directed to perform surveys of the other states within the Southeastern region to determine prevailing rates of pay for comparable environmental professional and technical personnel classifications and industrial development professional classifications. These professional and technical classifications shall be designated by the Alabama Air Pollution Control Commission, the Alabama Water Improvement Commission, the State Board of Health and the Alabama Development Office within thirty (30) days of the effective date of this resolution. Within sixty (60) days of the effective date of this resolution, the State Personnel Board shall set and maintain rates of pay for environmental professional and technical staff employees of the Alabama Water Improvement Commission, the Alabama Air Pollution Control Commission, the Environmental Health Administration of the State Department of Public Health, and industrial development professionals of the Alabama Development Office no less than the median of the prevailing rates for such employees of the Southeastern region. The State Personnel Board is also directed to biannually update rates of pay for environmental professional and technical classifications and industrial development professional classifications in the manner delineated above.

Be it further resolved that a copy of this resolution be submitted to the State Personnel Board.

Approved August 27, 1973.

Time: 5:35 P.M.

Act No. 638 H.J.R. 180—Harris, Barron, Jones (F), Grey (F)

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF JOHN MYRICK ASHLEY,
JR.

WHEREAS, John Myrick Ashley, Jr. was born in Montgomery on July 4, 1914, the son of John Myrick and Ethel Ross Ashley; and

WHEREAS, John Myrick Ashley, Jr. graduated from Sidney Lanier High School in 1932 and went to work full time for the Wilson Agency in real estate and insurance where he had been working since age 12 after school and during summers; and

WHEREAS, John Myrick Ashley, Jr. at age 18 joined the Gunter-Nicrosi Realty Company. He resigned as Vice President in 1942 to enlist as a private in the Army Air Corps and was honorably discharged as a Captain in 1946; and

WHEREAS, in 1946 John Myrick Ashley, Jr. organized his own real estate and insurance business which later became Ashley Brothers; and

WHEREAS, John Myrick Ashley, Jr. married Mary Dowdell of Montgomery in April 1941 and was the father of five children;

WHEREAS, John Myrick Ashley, Jr. was a member and deacon of the Trinity Presbyterian Church. He served as President of the Junior Chamber of Commerce, the Society of Pioneers of Montgomery (Charter member and trustee), the South Alabama Fair Association, the Montgomery Real Estate Board, the Montgomery Fire and Casualty Insurance Agents, and Chairman of the Montgomery Housing Authority. He also served on the Board of Directors of the Montgomery Area Chamber of Commerce, the Kiwanis Club, the Montgomery Chapter American Red Cross, Downtown Unlimited, and the Gulf American Fire and Casualty Company; and

WHEREAS, John Myrick Ashley, Jr. died on August 29, 1972; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body mourns the death of John Myrick Ashley, Jr. and expresses its deep sorrow to the members of his family.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to Mr. Ashley and the members of his family.

Approved August 27, 1973.

Time: 5:35 P.M.

Act No. 639

H. 1646—Timmons, Adwell

AN ACT

Relating to counties having a population of 500,000 or more accord-

ing to the last or any subsequent federal decennial census; to provide that in addition to all presently existing pistol permit fees there is hereby levied an additional pistol permit fee in the amount of Two Dollars and Fifty Cents (\$2.50); to provide that Two Dollars of the said additional fee be paid into the County Treasury for the establishment and maintenance of a fund which is hereby designated and entitled as the "Sheriff's Fund"; to provide for the use of said Sheriff's Fund; to provide that Fifty Cents (\$.50) of the said additional fee be paid into the County Treasury for the establishment and maintenance of a fund which is hereby designated and identified as a "Legislative Fund"; to provide for the use of said Legislative Fund; to provide that the provisions of this Act shall be severable; and to repeal all laws and parts of laws in conflict with this Act.

Be It Enacted by the Legislature of Alabama:

Section I:

In counties having a population of 500,000 or more according to the last or any subsequent decennial census, the Sheriff shall collect an additional fee of Two Dollars and Fifty Cents (\$2.50) for each pistol permit issued by him. The said fee shall be in addition to any other fees required by law to be charged for the issuance of a pistol permit. The Sheriff shall pay all fees to the County Treasurer or other custodian of County funds, who shall disburse the said additional fee as hereinafter prescribed in Section II.

Section II:

(a) The Treasurer or other custodian of County funds shall pay Two Dollars (\$2.00) of said additional fee into a fund known as the "Sheriff's Fund" hereinafter established in Section III of this Act.

(b) The Treasurer or other custodian of County funds shall pay Fifty Cents (\$.50) of said additional fee into a fund known as a "Legislative Fund" hereinafter established in Section IV of this Act.

Section III:

(a) A fund which shall be known as the Sheriff's Fund is hereby established, to be expended by the Sheriff in law enforcement work as provided in sub-section (b) of this section.

(b) The Sheriff or his appointed agent is hereby authorized and empowered to make requisition to the County Treasurer or other custodian of County funds on the Sheriff's Fund for the payment of any and all expenses for the good of law enforcement and in the proper discharge and conduct of the duties of his office. The County Treasurer or other custodian of County funds shall pay out such funds upon requisition of the Sheriff.

(c) The establishment of the Sheriff's Fund as provided in this Act, and the use of such funds shall in no way diminish or take the place of any other imbursement or source of income established for the Sheriff in the operation of his office.

Section IV:

The provisions of this Act shall be severable and if any of its sections, provisions, sentences, clauses, or phrases are held to be unconstitutional or void, the remainder of this Act shall continue in full force and effect.

Section V:

All laws or parts of laws whether special, general, or local in conflict with this Act are hereby expressly repealed.

Section VI:

This Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 28, 1973.

Time: 2:30 P.M.

Act No. 640

H. 444—Stokes, Nettles, Roberts

AN ACT

Relating to all counties having populations of not less than 300,000 nor more than 500,000 according to the 1970 or any subsequent Federal decennial census; authorizing the Alabama Alcoholic Beverage Control Board to permit the sale of draft or keg beer in said county.

Be It Enacted by the Legislature of Alabama:

Section 1. The Alabama Alcoholic Beverage Control Board may in its discretion grant permits to licensed retailers to sell or dispense draft or keg beer or malt beverages anywhere within all counties having populations of not less than 300,000 nor more than 500,000 according to the 1970 or any subsequent Federal decennial census. The provisions of Code of Alabama 1940, Title 29, Section 34 to the contrary notwithstanding, and the board may revoke any such permit so granted if, in the judgment of the board, the sale of draft or keg beer or malt beverages in the community is prejudicial to the welfare, health, peace and safety of the people of the community or of the state.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became law under Section 125 of the Constitution on 28th August, 1973 without approval by the Governor.

Act No. 641

H. 447—Adams, May

AN ACT

To amend further Section 9 of Act No. 1403, H. 46, 1971 Regular Session of the Alabama Legislature (1971 Acts, p. 2363), as amended, which provides for the regulation, inspection and payment of an inspection fee on certain petroleum products so as to provide that the inspection fee on kerosene or diesel fuel used in the treatment or preservation of wood products shall be one-fortieth of one cent (1/40c) per gallon.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 9 of Act No. 1403, H. 46, 1971 Regular Session of the Alabama Legislature (1971 Acts, p. 2363), as amended, is further amended to read as follows:

"Section 9. Inspection Fee. An inspection fee is hereby imposed and shall be collected in respect of petroleum products sold, offered for sale, stored or used in the State, the said fee to be measured by the number of gallons and to be at the following rates:

"(a) Gasoline: one-fortieth of one cent (1/40¢) per gallon,

"(b) Diesel fuel other than that referred to in clauses (e), (f), (g), (h), and (i) of this Section: one cent (1¢) per gallon,

"(c) Kerosene other than that referred to in clauses (e), (f), (g), and (i) of this Section: one cent (1¢) per gallon,

"(d) Lubricating oil: fifteen cents (15¢) per gallon,

"(e) Kerosene or diesel fuel that are of the types customarily used as, and that are intended to be used only as, fuel to propel jet aircraft: one-fortieth of one cent (1/40¢) per gallon,

"(f) Kerosene or diesel fuel that is used by the ultimate consumer thereof as motor fuel to operate boats, yachts, ships or other maritime vehicles, whether said boats, yachts, ships

or other maritime vehicles are used commercially or for pleasure: one-fortieth of one cent ($1/40\text{¢}$) per gallon,

“(g) Kerosene or diesel fuel used by the ultimate consumer thereof to propel or operate tractors which are not operated on public highways but which are used exclusively in preparing and cultivating land, harvesting any agricultural commodity, or for other agricultural purposes, including pasture and hay production; provided, however, that the term ‘tractors’ as used herein shall not include automobiles, trucks, pick-ups, trailers, semi-trailers, or other such vehicles: one-fortieth of one cent ($1/40\text{¢}$) per gallon,

“(h) Diesel fuel that is of the types customarily used as, and that is intended to be used only as fuel to propel railroad locomotives: one-fortieth of one cent ($1/40\text{¢}$) per gallon. Diesel fuel of the types referred to in this clause (h) shall be inspected in a manner determined and prescribed by the Commissioner.

“(i) Kerosene or diesel fuel used by the ultimate consumer thereof as a solvent or other agent in the treatment or preservation of wood products: one-fortieth of one cent ($1/40\text{¢}$) per gallon.

“(j) It shall be the duty of the person first selling or storing or using any petroleum product in the state to pay said inspection fee. The inspection fee herein provided for shall be paid to the Commissioner on or before the 20th day of each month in respect of all petroleum products sold, stored or used in the state during the preceding month, and each remittance shall be accompanied by a certificate stating that the amount remitted is correct and that the petroleum products so sold, stored or used are of standard not less than the minimum specified for that petroleum product in the standards prescribed by the board pursuant to Section 5 hereof. If, at the time the said inspection fee is due, the person liable therefor is unable to ascertain the correct amount of such inspection fee because the use to be made of any diesel fuel or kerosene with respect to which the said inspection fee is then due has not been or cannot be ascertained at such time, then such person shall pay to the Commissioner as the inspection fee payable with respect to such diesel fuel and kerosene, one cent (1¢) for each gallon of such diesel fuel and each gallon of such kerosene. Upon furnishing proof satisfactory to the Commissioner that all or any portion of such diesel fuel or kerosene with respect to which an inspection fee at the rate of one cent (1¢) per gallon has been paid or has been or will be used for a purpose or purposes specified in clauses (e), (f), (g), (h), and (i) above, then such person shall be entitled to a credit against the amount of inspection fee becoming due from

such person on the 20th day of the then next following calendar month, such credit to be in an amount equal to thirty-nine-fortieths of one cent (39/40¢) for each gallon of kerosene or diesel fuel proved to have been used or to be used for such specified purpose or purposes; provided, that should the credit to which a person is entitled hereunder exceed the amount of the inspection fee becoming due from such person on the 20th day of the then next following calendar month, then the excess of the credit over the amount of the inspection fee becoming due shall be refunded to such person, or, at such person's election, credited against the amount of any inspection fees subsequently becoming due from such person. The board shall have authority to promulgate rules and regulations with respect to the form and content of the proof of use which must be supplied by a person seeking such a credit or refund and with respect to the procedure to be followed in applying for such a credit or refund. The inspection fee herein provided for shall be paid but once with respect to the same product, but in the event any person fails to make payment as herein provided on or before the date such payment is due, the Commissioner shall add to the inspection fee already due an amount equal to 10% thereof as a penalty for the failure of such person to make such report and payment upon the date herein provided and shall proceed to collect such inspection fee, together with all costs incident to such collection, including the penalty. The inspection fee (and any penalty added thereto) shall constitute and operate as a lien, at all times until paid, upon any petroleum products sold or offered for sale or stored or used in the state by the person liable for the fee, and shall be immediately enforceable by the Commissioner when due in the same manner as are tax liens upon personal property of a delinquent taxpayer. The inspection fee provided for herein is in addition to all other fees and all taxes payable with respect to petroleum products. Notwithstanding anything to the contrary herein, no inspection fee or penalty shall be due or payable with respect to petroleum products which are sold or offered for sale or stored or used while they are in interstate or international commerce, but if after such petroleum products are removed from interstate or international commerce, such petroleum products are sold or offered for sale or stored or used in the state, the fee herein provided for shall be payable with respect to such petroleum products. It is further provided that the board shall have authority to adopt and promulgate reasonable rules and regulations to effectuate the evident intent and purpose of this section with respect to reporting, collection, remittance and payments of the petroleum products inspection fees imposed hereunder which shall not conflict with any of the express provisions and requirements of said section."

Section 2. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This Act shall become effective October 1, 1973.

This Act became law under Section 125 of the Constitution on 28th August, 1973 without approval by the Governor.

Act No. 642

H. 577—Erdreich, McBride, Timmons, Dill,
Adwell, Waggoner

AN ACT

To authorize the Alabama Alcoholic Beverage Control Board in its discretion to grant to any civic center authority to which a liquor license has been issued under the provisions of Act No. 409 of the 1971 Regular Session of the Alabama Legislature, or to any licensed retailer in any county in which such a civic center is located, a revocable permit to sell or dispense draft or keg beer or malt beverages.

Be It Enacted by the Legislature of Alabama:

Section 1. The Alabama Alcoholic Beverage Control Board may in its discretion grant to any civic center authority to which the Board may have theretofore issued or may simultaneously therewith issue a civic center liquor license under the provisions of Act No. 409 of the 1971 Regular Session of the Alabama Legislature of revocable temporary permit entitling such civic center authority to sell or dispense in any part of its civic center for consumption therein draft or keg beer or malt beverages; and the Board may revoke any such temporary permit so granted if, in the judgment of the Board, such sale or dispensing of draft or keg beer or malt beverages is prejudicial to the welfare, health, peace and safety of the people of the community wherein the civic center is located or of the State.

Section 2. The Alabama Alcoholic Beverage Control Board may, in its discretion, grant permits to licensed retailers to sell or dispense draft or keg beer or malt beverages, the provisions of Code of Alabama 1940, Title 29, Section 34 to the contrary notwithstanding, anywhere within any county wherein said Board is authorized to issue to a civic center authority a liquor license which includes the authority to sell or dispense draft or keg beer or malt beverages as set forth in Section 1 above.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

This Act became law under Section 125 of the Constitution on 28th August, 1973 without approval by the Governor.

Act No. 643

H. 1025—Owens, Lyons

AN ACT

To establish the capital and surplus required to form a domestic stock life insurance company.

Be It Enacted by the Legislature of Alabama:

Section 1. The minimum capital required to form and organize a new domestic stock life insurance company shall be one million dollars (\$1,000,000.00) and in addition thereto the minimum surplus to form such a company shall be one million dollars (\$1,000,000.00).

Section 2. All laws or parts of laws in conflict with this act are hereby repealed.

Section 3. This act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

This Act became law under Section 125 of the Constitution on 28th August, 1973 without approval by the Governor.

Act No. 644

H. 1488—Adwell

AN ACT

To apply only in counties having populations of more than 600,000 according to the most recent federal decennial census, legalizing the sale of draft or keg beer or malt beverages in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. The Alabama Alcoholic Beverage Control Board may in its discretion grant permits to licensed retailers to sell or dispense draft or keg beer or malt beverages anywhere within any county having a population of more than 600,00 inhabitants

according to the most recent federal decennial census, the provisions of Code of Alabama 1940, Title 29, Section 34 to the contrary notwithstanding.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became law under Section 125 of the Constitution on 28th August, 1973 without approval by the Governor.

Act No. 645

H. 1498—Mims, Warren

AN ACT

Relating to Monroe County; levying in such county additional privilege license and excise taxes, paralleling the state sales and use taxes provided for in Act No. 100, H. 94, Second Special Session 1959 (Acts 1959, p. 298), as amended, and Code of Alabama 1940, Title 51, Chapter 20, Article 11, as amended; providing for the collection of such taxes by the State Department of Revenue, and for the distribution and use of the proceeds thereof; providing for the enforcement of the Act; providing penalties for violations of the Act; and to make the provisions of this Act retroactive to August 31, 1971.

Be It Enacted by the Legislature of Alabama:

Section 1. All words, terms, and phrases that are defined in Act No. 100, H. 94, Second Special Session 1959 (Acts 1959, p. 298), as amended, the state sales tax act, and in Code of Alabama 1940, Title 51, Chapter 20, Article 11, as amended, shall, where used in this Act, have the meanings respectively ascribed to them in said Act No. 100 and Code of Alabama 1940, Title 51, Chapter 20, Article 11, as heretofore amended, except where the context herein clearly indicates a different meaning. In addition, the following words, terms, and phrases, where used in this Act shall have the following respective meanings except where the context clearly indicates a different meaning:

“State sales tax statutes” means Act No. 100, H. 94, Second Special Session 1959 (Acts 1959, p. 298), which levies a retail sales tax for state purposes, and includes all statutes, including amendments to said Act No. 100, heretofore enacted which expressly set forth any exemptions from the computation of the tax levied in said Act No. 100 and all other statutes heretofore enacted which expressly apply to, or purport to affect, the administration of said Act and the incidence and collection of the tax imposed therein;

"State sales tax" means the tax imposed by the state sales tax statutes;

"State use tax statutes" means Code of Alabama 1940, Title 51, Chapter 20, Article 11, as heretofore amended, including all statutes heretofore enacted which expressly set forth any exemptions from the computation of the tax levied in said Article 11 and all other statutes heretofore enacted which expressly apply to, or purport to affect, the administration of the said Article, and the incidence and collection of the tax imposed therein;

"State use tax" means the tax imposed by the state use tax statutes;

"Registered seller" means the person registered with the State Department of Revenue pursuant to the state use tax statutes or licensed under the state sales tax statutes;

"Month" means the calendar month;

"Quarterly period" means the period of three months ending on the last day of each March, June, September, and December;

"Fiscal year" means the period commencing on October 1 of each calendar year and ending on September 30 of the next succeeding calendar year.

Section 2. There are hereby levied and imposed in Monroe County, in addition to all other taxes of every kind now imposed by law, county privilege or license taxes to be determined by the application of rates against gross sales or gross receipts as the case may be as follows:

1. Upon every person, firm, or corporation (not including the State of Alabama or the Alabama Alcoholic Beverage Control Board or ABC Stores) engaged or continuing within Monroe County in the business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character (not including, however, bonds or other evidence of debt or stocks), an amount equal to one percent of the gross proceeds of sales of the business. Any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such businesses at the rates specified when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as a retailer on the gross sales of the business. Provided that where all the sales of a company are single sales of peanut products, milk products, coffee, and confections sold

in dispensing machines located in industrial plants or on private property for employees where such machines dispense exclusively articles not to exceed ten cents (10¢) per sale, and the person operating such machines shall be engaged in the business of selling exclusively articles not to exceed ten cents (10¢) per sale and shall file with the State Department of Revenue a sworn statement to that effect and shall keep and maintain records satisfactory to the State Department of Revenue, the gross receipts tax herein provided for shall not be levied.

2. Upon every person, firm, or corporation engaged or continuing within Monroe County in the business of conducting or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaude-villes, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games (including athletic contests conducted by or under the auspices of any educational institution, or any athletic association thereof, or other association whether such institution or association be denominational, a state, county, or a city school, or other institution, association, or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement, or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description, conducted or carried on within Monroe County, an amount equal to one percent of the gross receipts of any such business.

3. There are exempted, however, from the provisions of this section and from the computation of the amount of the tax imposed in this section the gross receipts of any business and the gross proceeds of all sales which are presently exempted under the state tax statutes from the computation of the amount of the state sales tax. In addition, there shall be exempted from the computation of the amount of tax the gross proceeds of the sale of automotive vehicles, truck trailers, semi-trailers, and house trailers; the gross proceeds of sale of any machine, machinery or equipment either that which is self-propelled or otherwise propelled or drawn and which is used in planting, cultivating and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock or poultry on farms, and the parts of such machines, machinery or equipment, attachments and replacements therefor which are made or manufactured for use on or in the operation of such machine, machinery or equipment, and which are necessary to and customarily used in the operation of such machine, machinery or equipment; and the gross proceeds of the sale of machines used in mining, quarry-

ing, compounding, processing, and manufacturing of tangible personal property, including the parts, attachments and replacements therefor which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used.

4. An excise tax on the storage, use, or other consumption in Monroe County of tangible personal property purchased at retail, on or after the first day of the second month succeeding the month during which this Act shall become a law, for storage, use, or other consumption in Monroe County, at the rate of one percent of the sale price of such property, regardless of whether the retailer is or is not engaged in business in Monroe County or in this State.

5. There are exempted, however, from the provisions of this section and the tax imposed in this section the storage, use, or other consumption of property the storage, use, or other consumption of which is presently exempted under the state use tax statutes from the state use tax. The storage, use, or other consumption in Monroe County of the following tangible personal property is hereby specifically exempted from the tax imposed by this section: automotive vehicles, truck trailers, semi-trailers, and house trailers; any machine, machinery or equipment either that which is self-propelled or otherwise propelled or drawn and which is used in planting, cultivating and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock or poultry on farms, and the parts of such machines, machinery or equipment, attachments and replacements therefor which are made or manufactured for use on or in the operation of such machine, machinery or equipment, and which are necessary to and customarily used in the operation of such machine, machinery or equipment; and machines used in mining, quarrying, compounding, processing, and manufacturing of tangible personal property, including the parts, attachments, and replacements therefor which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used. Subject to these exemptions, every person storing or using or otherwise consuming in Monroe County tangible personal property purchased at retail shall be liable for the tax imposed by this section and the liability shall not be extinguished until the tax has been paid by such person as hereby provided; provided, however, that a receipt from a registered seller given pursuant to Section 5 of this Act to the purchaser of any property to be used, stored, or consumed in Monroe County shall be sufficient to relieve the purchaser from further liability for a tax to which such receipt may refer.

Section 3. The taxes levied by Section 2, subsections 1 and 4 of this Act shall be subject to all definitions, exceptions, exemptions, proceedings, requirements, rules, regulations, provisions, penalties, fines, punishments and deductions that are applicable to the taxes levied by the state sales and use tax statutes, except where inapplicable or where herein otherwise provided, including all provisions of the state sales and use tax statutes for enforcement and collection of taxes.

Section 4. The taxes levied in Section 2, subsection 1 of this Act shall be due and payable in monthly installments on or before the twentieth day of the month next succeeding the month in which the tax accrues; and the taxes levied in Section 2, subsection 4 of this Act shall be due and payable quarterly on or before the twentieth day of the month next succeeding each quarterly period during which the storage, use, or other consumption of the tangible personal property became taxable hereunder, each such quarterly period to end on the last days of each of the months of March, June, September and December. All taxes levied in this Act shall be paid to and collected by the State Department of Revenue at the same time and along with the collection of the state sales tax and the state use tax. On or prior to the due dates of the taxes as herein levied, each person subject to such taxes shall file with the State Department of Revenue a report or return in such form as may be prescribed by the Department, setting forth, with respect to all sales and business that are provided in Section 2, subsection 1 hereof to be used as a measurement of the tax levied in said Section 2, subsection 1 a correct statement of the gross proceeds of all such sales and the gross receipts of all such business and setting forth, with respect to the tax levied in Section 2, subsection 4 hereof, the total sales price of all property, the use, storage, or other consumption of which became subject to the tax imposed by said Section 2, subsection 4 during the then preceding quarterly period; however, that said report shall include also such other items of information pertinent to the said taxes in the amount thereof as the State Department of Revenue may require. All reports or returns filed with the State Department of Revenue under this section shall be available for inspection by the chairman of the Monroe County governing body, or his designated agent at reasonable times during business hours.

Section 5. Every registered seller making sales of tangible personal property for storage, use, or other consumption in Monroe County (which storage, use, or other consumption is not herein exempted from the tax imposed in Section 2, subsection 4 hereof) shall at the time of making such sales or if the storage, use, or other consumption of such tangible personal property in Monroe County is not then taxable under this Act, at the

time such storage, use, or other consumption becomes taxable hereunder, collect the tax imposed by Section 2, subsection 4 of this Act from the purchaser, and shall give to the purchaser a receipt therefor in the manner and form prescribed by the State Department of Revenue. On the twentieth day of the month following the close of each quarterly period provided for in Section 4 hereof, each registered seller shall file with the State Department of Revenue a return for the preceding quarterly period in such form as may be prescribed by the Department showing the total sales of the tangible personal property sold by such registered seller, the storage, use, or other consumption of which became subject to the tax imposed by Section 2, subsection 4 of this Act during the then preceding quarterly period and each return shall be accompanied by a remittance of the amount of the tax herein required to be collected by such registered seller during the period followed by the return. Any person who has paid to a registered seller the tax with respect to the use, storage, or other consumption of tangible personal property in Monroe County need not file a report or make any further payment of the said tax, but each person who purchases tangible personal property, the storage, use, or other consumption of which is subject to the tax imposed by Section 2, subsection 4 of this Act and who has not paid the tax due with respect thereto to a registered seller, shall report and pay the tax as required by Section 4.

Section 6. The State Department of Revenue shall charge Monroe County for collecting said special taxes herein levied by this Act the cost of making such collections, which charge shall not exceed five percent of the amount collected. Such charge may be deducted once each month from the special sales and use taxes collected before certifying the amount of special taxes due Monroe County. The Commissioner of Revenue shall pay into the State Treasury all taxes collected under this Act as such taxes are received by the Department of Revenue; and on or before the tenth day of each successive month (commencing with the month following the month in which the Department makes the first collection hereunder), the Commissioner shall certify to the State Comptroller the amount of taxes collected under the provisions of this Act and paid by him into the State Treasury for the benefit of Monroe County during the month immediately preceding the making of such certificate. Provided, however, that before certifying the amount of the taxes paid into the State Treasury for the benefit of Monroe County during each month, the Commissioner may deduct from the taxes collected in said month the charges due the Department for the collection of the taxes for the County. It shall be the duty of the Comptroller to issue his warrant each month payable to the Custodian of Public School Funds, Monroe County in an amount

equal to the amount so certified by the Commissioner of Revenue as having been collected for the use of Monroe County and paid into the State Treasury.

Section 7. Proceeds from the taxes herein levied shall be used for operating the public schools of Monroe County.

Section 8. All laws or parts of laws which conflict with this Act are repealed.

Section 9. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. This Act shall become effective on its passage and approval by the Governor, or its otherwise becoming law and shall have retroactive effect to August 31, 1971.

This Act became law under Section 125 of the Constitution on 28 August, 1973 without approval by the Governor.

Act No. 646

H. 1665—Carnes, Waldrop, Wynot

AN ACT

Relating to counties having a population of not less than 90,000 nor more than 100,000, according to the most recent federal decennial census; levying privilege or license taxes upon sellers, distributors, storers, or users of malt or brewed beverages; providing for the administration of the act by the county commission, board of revenue, or like governing body of such counties and the collection and distribution of the proceeds of the tax; prescribing penalties for violations.

Be It Enacted by the Legislature of Alabama:

Section 1. In counties having a population of not less than 90,000 nor more than 100,000, according to the most recent federal decennial census, every person, firm, corporation, co-partnership, club, association, agency, distributor, storer or user of any malt or brewed beverages shall pay privilege or license taxes upon the sale, use or consumption, distributing, storing or withdrawing from storage in said counties of any malt or brewed beverages, as follows:

a) COUNTY-WIDE TAXES:

1. 1¼¢ privilege or license tax upon each can, bottle or other container containing less than 16 fluid ounces of malt or brewed beverage and sold anywhere within said counties, for the benefit of boards of education within such counties; the revenues collected therefrom to be distributed within such counties on the same basis as funds received from the Minimum Program Fund are distributed.

2. 1½¢ privilege or license tax upon each can, bottle, or other container containing 16 fluid ounces or more of malt or brewed beverage and sold anywhere within said counties, for the benefit of boards of education within such counties, the revenues collected therefrom to be distributed in the same manner as in a) 1. above.

3. ¼¢ privilege or license tax upon each can, bottle or other container of malt or brewed beverages sold anywhere in said counties, for the benefit of the boards of revenue, county commissions, or like governing bodies of such counties; the revenues collected therefrom to be paid into the general funds of said governing bodies.

4. 5¢ privilege or license tax upon each 12 fluid ounces of draft beer sold anywhere within said counties, for the benefit of boards of education within such counties the revenues to be distributed in the same manner as in a) 1. above.

b) TAXES NOT COUNTY-WIDE

1. 1½¢ privilege or license tax upon each can, bottle or other container containing less than 16 fluid ounces of malt or brewed beverages sold outside the city limits and outside the police jurisdictions of municipalities which have city boards of education.

2. 2¢ privilege or license tax upon each can, bottle or other container containing 16 fluid ounces or more of malt or brewed beverages sold outside the city limits and outside the police jurisdiction of municipalities which have city boards of education.

3. ¾¢ privilege or license tax upon each can, bottle or other container containing less than 16 fluid ounces of malt or brewed beverages sold outside the city limits but within the police jurisdiction of municipalities which have city boards of education.

4. 1¢ privilege or license tax upon each can, bottle or other container containing 16 fluid ounces or more of malt or brewed beverages sold outside the city limits but within the police jurisdiction of municipalities which have city boards of education.

Section 2. a) All of the above taxes imposed not county-wide, but only outside the city limits of municipalities which have city boards of education, are imposed for the benefit of the county boards of education of such counties, and the revenues collected from such taxes shall be paid to said county boards of education.

b) All of the above taxes imposed for the benefit of boards of education must be used for capital outlay purposes only; provided, however, that "capital outlay purposes" shall be interpreted liberally, and shall include renovation and improvements to existing physical facilities.

c) All of the taxes imposed by 1. b) above are in addition to the county-wide taxes imposed by 1. a) and apply within the city or town limits and police jurisdictions of municipalities which do not have city boards of education, as well as within geographical areas which are not within the city or town limits or police jurisdictions of any municipality located within such counties.

d) Where the amount of the taxes imposed by this act has been paid by any seller, distributor, dealer or user, such payment shall be sufficient, the intent being that the taxes hereby levied shall be paid but once.

Section 3. The privilege or license taxes authorized herein shall be collected by or under the supervision and control of the county commission, board of revenue, or like governing body of such counties (hereinafter referred to as "the commission"), which shall be solely responsible for the administration of this act. The commission shall provide rules and regulations and administrative machinery for the enforcement and collection of the tax levied, and may provide for devices for affixing stamped impressions on lids and crowns to be used in evidence of payment of the tax, and provide proper forms requiring sufficient information and proof, to be verified by the oath of any seller, distributor, dealer, storer or other user claiming exemption from payment of the tax on account of purchases made from others who have paid the tax imposed by this act.

Section 4. a) Each and every distributor or seller of malt or brewed beverages shall, on or before the 15th day of the first full calendar month after the effective date of this act, and on or before the 15th day of each calendar month thereafter, file with the commission a written statement, sworn to and subscribed by each distributor or seller, showing the name and address of such distributor or seller, each and every purchase, receipt or procurement of malt or brewed beverages made by such distributor or seller during the calendar month next preceding, together with the name and address of the producer, distributor, seller or other person from whom purchased, received or procured, the brand or brands of such malt or brewed beverages, the quantity of each brand, the size and kind of containers of each brand of such malt or brewed beverages, the date or dates on which purchased, received or procured, and a detailed, itemized statement showing the name and address of each

distributor or seller or other person to whom any malt or brewed beverages were sold, distributed or delivered by such distributor or seller, together with the quantity of each brand of malt or brewed beverages sold, distributed or delivered to each, the size and kind of containers for each brand of such malt or brewed beverages and the date or dates on which sold, distributed or delivered.

b) Any distributor or seller failing, refusing or omitting to file the statements herein prescribed shall be guilty of a misdemeanor, and each day such default continued shall constitute a separate offense.

c) In order to enable the commission to make distribution of the net proceeds of the tax as in this act prescribed, each distributor or seller must include in the statement separately the total sales made within the municipality and the police jurisdiction of each municipality having a board of education, and the total sales made in the county but outside the police jurisdiction of any municipality having a board of education. Should there be a continued failure to furnish the statement contemplated by this provision for basis of distribution, the commission is authorized and required to procure, from the records of the delinquent such information as may be procurable therefrom to enable him to make proper distribution of the proceeds of the tax.

Section 5. It shall be unlawful for any distributor or seller to make any sale, distribution or delivery of malt or brewed beverages within the county without first having obtained a permit to do so from the commission and also obtaining a business license from each municipality in which sale, distribution or delivery is to be made; provided, however, that nothing contained in this section, or in any other part of this act, shall authorize any sale, distribution or delivery of malt or brewed beverages within the county, if such sale, distribution or delivery is prohibited by any other law of this State.

Section 6. a) It shall be the duty of any person subject to the privilege or license taxes imposed by this act to keep full and complete records of all purchases, sales, receipts, inventories and all other matters from which the correct amount of taxes to which such person is subject may be ascertained; in the event that such person should discontinue his business, he shall not destroy or dispose of such records until he shall have given to the commission thirty days' notice in writing of his intent to destroy or dispose of such records. The commission is authorized to inspect such records and to make copies of such parts of same as it may deem desirable or proper. The failure to keep such

records, or destruction without giving the prescribed notice, shall constitute a misdemeanor, punishable in accordance with law.

b) Upon demand by the commission it shall be the duty of any person subject to the privilege or license taxes imposed by this act to furnish, without delay, all such information as may be required for determination of the correct amount of said taxes to which such person is subject and to that end it shall be the duty of such person to submit to such demanding person, for inspection and examination during reasonable business hours and at such person's place of business, all books of account, invoices, papers, reports, memoranda containing entries showing the amount of purchases, sales, receipts, inventories and any other information from which the correct amount of said taxes to which such person is subject, may be determined, including herein the exhibition of bank deposit books and bank statements. Any person failing or refusing to submit such records for such inspection or examination upon lawful demand therefor shall be guilty of a misdemeanor, punishable according to law.

c) Should any person subject to the provisions of this act not keep and have in his possession or control correct and detailed books of account, invoices, papers, reports or memoranda correctly showing the data and information necessary for the determination of the correct amount of the privilege or license taxes due, and the required information as to sales in the several tax-recipient areas; or, if, having the same in possession or under control such person shall fail or refuse to submit and exhibit same for inspection and examination as herein required, then and in that event it shall be the duty of the commission to ascertain from such information and data as he may reasonably obtain the correct amount of taxes due from such person and to assess the same against such person and give to such person notice of such assessment and demand of him immediate payment of the amount thereof. If such amount be not paid within ten days after receipt of notice and demand for payment, then such failure to pay shall constitute a misdemeanor, and each day of delay in payment shall constitute a separate offense.

d) The taxes shall be paid by each distributor or seller when he makes his report as required in Section 4 or when he buys his decals or other devices from the commission, if the commission requires the distributor or seller to buy decals or other devices.

Section 7. a) It shall be the duty of the commission to prepare such forms as may be necessary for use by sellers and distributors of malt or brewed beverages in complying with the

provisions of this act, and to furnish the same to such distributors or sellers as they may be required.

b) It shall be the duty of the commission to enforce the provisions of this act, and to that end it is authorized to enter lawfully any premises of any retailer of malt or brewed beverages at any time during the hours in which such retailer is engaged in the business of selling or serving malt or brewed beverages, and to inspect the containers of malt or brewed beverages in the retailer's possession, for the purpose of determining whether or not there be any containers not having affixed the decal or other device contemplated by this act. It shall be lawful also for any police officer or a deputy sheriff to enter lawfully any such retail establishment for the said purpose of inspection and determination of whether or not there be on hand any untaxed malt or brewed beverages.

Section 8. a) Collection of the tax may be accomplished in this fashion:

The commission may procure decals or other devices susceptible of being affixed, with measurable permanence, to containers of malt or brewed beverages to be taken from storage, distributed or sold, each of which decals or other devices shall bear in legible characters a notation that it evidences the payment of the taxes levied by this act, and he may procure such forms and other printed matter and materials as may be necessary in the administration of this act. To reimburse the commission for the cost and expense incurred by it in procuring and furnishing the said decals or other devices and forms, and other matter, the commission shall deduct, from the gross amount of taxes collected, at each tax-distribution period, the cost and expense incurred by it in procuring and furnishing the decals or other devices contemplated by this act and the cost of forms and other material hereinbefore provided for, and shall pay over the amount to its general fund. Decals or other devices may be furnished by the commission to each seller or distributor of malt or brewed beverages, upon request therefore and payment of the amount of taxes corresponding to the stated value of the decals or other devices that he procures from the commission, less an eight per cent (8%) discount; provided, however, that such decals or other devices shall be sold and furnished to wholesalers only. Each distributor or seller must affix to each container of malt or brewed beverages the appropriate decals or other devices before the same is taken from storage, sold or delivered.

b) The amount distributed by the commission to the several recipients of the proceeds of the tax as provided in this

act shall be, as to each recipient of the tax, that recipient's proportionate part of the net proceeds of the tax, such net proceeds to be the total amount of taxes collected less the cost of collection and expenses of administration of this act.

Section 9. Any person, firm, or corporation who violates any provision of this act or the rules and regulations as may be provided by the commission shall be guilty of a misdemeanor and upon conviction shall be punished as prescribed by law. Each month such violation continues shall constitute a separate offense.

Section 10. Any person, firm, or corporation who fails to pay the taxes herein levied within the time prescribed in the rules and regulations set out by the commission shall pay, in addition to the taxes a penalty of ten per cent of the amount of tax, together with interest thereon at the rate of one-half of one per cent per month or fraction thereof, from the date at which the tax herein levied becomes payable, such penalty and interest to be assessed and collected as a part of the tax.

Section 11. Any privilege or license taxes heretofore imposed in such counties by the county commission, board of revenue, or like governing body, pursuant to Act 34 of the First Extraordinary Session of 1969 of the Legislature of Alabama, as amended by Act No. 688 of the 1969 Regular Session of the Legislature of Alabama are repealed as of the effective date of this act, but ratified and confirmed from the date of adoption by said governing body until the said effective date of this act.

Section 12. Any escrow agreements heretofore entered into, by a county governing body, wholesale malt or brewed beverage distributors, and bank acting as escrow agents, pending legislative action hereby taken, is hereby confirmed and ratified in all respects, and any money held in escrow pursuant to such agreement shall be forthwith disbursed according to the terms thereof.

Section 13. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 14. All laws or parts of laws which conflict with this act are repealed.

Section 15. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became law under Section 125 of the Constitution on 28th August, 1973 without approval by the Governor.

Act No. 647

H. 1666—Waldrop, Carnes, Wynot

AN ACT

To authorize and permit flea markets to remain open on Sunday in each county of the State having a population of not less than 90,000 and not more than 100,000 according to the most recent federal decennial census, provided such flea market does not have on duty more than three employees at any one time on Sunday; and to provide for licensing such flea markets by the license issuing officer of such county.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply to all counties having a population of not less than 90,000 and not more than 100,000 according to the most recent federal decennial census.

Section 2. It is the finding and policy of the Legislature that the maintenance of the public health is of vital importance to the general welfare of the State and its people and this is particularly true where there are large concentrations of population; that for the protection of the public health and general welfare it is deemed essential that one day be set aside each week as a day of rest and relaxation in counties to which this Act applies and this can best be accomplished and the enforcement thereof can best be policed by setting aside Sunday which is generally recognized and observed as a day of rest; and, that Section 420 Title 14 Code of Alabama, 1940, as amended, has made unlawful the general performance of labor and other activities on Sunday and has provided penalties for the violation thereof subject to certain enumerated exceptions which are deemed by the Legislature to be reasonable and necessary. The Legislature further finds and declares that in order to enjoy such a day of rest and relaxation that the public should be given the right as an additional exception to said Section 420 to purchase and trade on Sunday goods usually and normally sold in flea markets subject to reasonable restrictions on the number of employees that may be employed in such places selling and trading such goods on Sunday. It is further the finding of the Legislature that a reasonable restriction on the number of employees would be to permit to remain open on Sunday for the sale of such goods only those stores that have no more than three employees on duty at any one time on Sunday. The Legislature further finds that there are many people who purchase or trade merchandise usually and normally carried in flea markets as a hobby and means of relaxation and that it is desirable to provide this means of rest and relaxation on Sunday, but that reasonable restrictions as set out above shall be placed thereon.

Section 3. It shall be lawful for any flea market to remain open on Sunday in each county to which this Act applies pro-

vided that such flea market does not have on duty in such place more than three employees at any one time on Sunday; provided that each such flea market shall first obtain a special license to operate on Sunday from the license issuing officer of such county. The license issuing officer of such county shall issue a license only to such individual flea market or outlets as shall pay a license fee of \$25.00 and only to such individual flea markets or outlets in each community as are determined to be required by the public convenience and necessity. All license fees shall be paid into the general fund of such county.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became law under Section 125 of the Constitution on 28th August, 1973 without approval by the Governor.

Act No. 648

H. 1667—Carnes, Wynot, Waldrop

AN ACT

To authorize and permit grocery stores to remain open on Sunday in each county in the state having a population of not less than 90,000 nor more than 100,000, according to the most recent federal decennial census, provided that each such grocery store shall first obtain a special license from the license issuing officer of such county.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply to all counties having a population of not less than 90,000 nor more than 100,000, according to the most recent federal decennial census.

Section 2. It is the finding and policy of the Legislature that the maintenance of the public health is of vital importance to the general welfare of the State and its people and this is particularly true where there are large concentrations of population; that for the protection of the public health and general welfare it is deemed essential that one day be set aside each week as a day of rest and relaxation in counties to which this Act applies and this can best be accomplished and the enforcement thereof can best be policed by setting

aside Sunday which is generally recognized and observed as a day of rest; and, that Section 420, Title 14, Code of Alabama, 1940, as amended, has made unlawful the general performance of labor and other activities on Sunday and has provided penalties for the violation thereof subject to certain enumerated exceptions which are deemed by the Legislature to be reasonable and necessary. Th Legislature further finds and declares that in order to enjoy such a day of rest and relaxation that the public should be given the right as an additional exception to said Section 420 to purchase on Sunday merchandise usually and normally sold in grocery stores. The Legislature further finds that there is a public necessity for the purchase on Sunday of merchandise usually and normally sold in grocery stores and that this necessity must be met.

Section 3. It shall be lawful for any grocery store to remain open on Sunday in each county to which this Act applies provided that such grocery store shall first obtain a special license to operate on Sunday from the licensing issuing officer of such county. The license issuing officer of such county shall issue a license only to such individual grocery stores or outlets as shall pay a license fee of \$25.00 and only to such individual grocery stores or outlets in each community as are determined to be required by the public convenience and necessity. All license fees shall be paid into the general fund of such county.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became law under Section 125 of the Constitution on 28th August, 1973 without approval by the Governor.

Act No. 649

H. 1643—Reid (R)

AN ACT

Relating to the office of the sheriff in Blount County; regulating the number and compensation of certain officers and employees of the sheriff, subject to certain conditions; providing motor vehicles for the use of the sheriff and providing office space, supplies, equipment and materials necessary for the conduct of such office.

Be It Enacted by the Legislature of Alabama:

Section 1. In the absence of any general law of statewide application fixing the annual salaries of deputies of the sheriff, in Blount County, the following officers and employees in the office of the sheriff shall receive the following annual salaries in lieu of all other compensation and allowances: chief deputy, \$7,500; all other deputies, \$7,200 each; clerk, \$5,700; jailer, \$6,300. There shall be employed in said office such number of deputies and other personnel as the county commission and the sheriff may agree are necessary for the efficient operation of the office. If it is determined that additional personnel is necessary, the sheriff may set the salaries of same, subject to the approval of the county commission. The sheriff shall be entitled to select his own deputies and employees and they shall serve at his pleasure. All salaries herein provided for shall be paid in equal monthly installments in the same manner as salaries are paid to other county officers. The salaries prescribed in this section shall become effective on the first day of the first month next following this act becoming law.

Section 2. The county commission, in Blount County shall furnish the sheriff with office space, books, stationery, office equipment, supplies, postage, telephone and radio service.

Section 3. Said county commission shall in addition provide for the use of the office of the sheriff such number of automobiles, fully equipped with radio and other necessary official equipment as the commission and the sheriff may agree are necessary. All costs and charges for fuel, maintenance and liability insurance for such automobiles shall be provided by the county commission.

Section 4. Beginning October 1, 1974, all employees of the sheriff's office shall be entitled to receive an annual increase in salary which shall be paid in the same manner and at the same percentage rate as provided for other county employees.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, but the provisions of Sections 1 and 4 hereof shall become operative as specifically provided in said sections.

Approved August 27, 1973.

Time: 5:30 P.M.

Act No. 650

S. 803—Shelby

AN ACT

Proposing an amendment to the Constitution of Alabama authorizing the levy and collection of a special property tax and the issuance and sale of bonds by Tuscaloosa County, the proceeds of which shall be used for the development of parks and multi-recreation areas, and other recreational purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the constitution is proposed and shall become valid as a part thereof when approved by the qualified electors and proclaimed by the Governor as prescribed by law:

PROPOSED AMENDMENT

"The county commission or like governing body of Tuscaloosa County shall have the power to levy and collect a special property tax, in addition to all other taxes, now or hereafter authorized by the Constitution and laws of Alabama, of not exceeding 10 mills on each dollar's worth of taxable property in the county as assessed for state taxation during the preceding year, the proceeds of which shall be used exclusively for developing parks and multi-recreation areas and facilities, and for other recreational purposes; provided that such tax and the purpose or purposes thereof, and the time such tax is proposed to be continued shall have been first submitted to the vote of the qualified electors of the county and voted for by a majority of those voting at such election. Such governing body may also become indebted, and in evidence of such indebtedness issue and sell interest bearing bonds in an amount not to exceed \$20,000,000.00 in principal amount, provided that before the issuance of such bonds the question of whether such bonds shall be issued shall have first been submitted to and approved by the qualified electors of Tuscaloosa County at an election. Both the question of levying the tax and the issuing and selling of bonds may be submitted at the same election; or either question may be submitted at a separate election. Either the tax may be levied but no bonds issued, or bonds may be issued and no tax levied hereunder, if other funds are available for the payment of the bonds. The proceeds from taxes levied under authority of this amendment and of all bonds issued hereunder shall be used for developing parks and multi-recreation areas and facilities and for other recreational purposes and all or any part thereof may be ap-

propriated to any county park and recreation authority duly organized and existing pursuant to law in such county and by such authority used for the above-named purposes. The elections provided for herein shall be called, held, conducted and canvassed, and may be contested, in the manner provided by law for the calling, holding, conducting, canvassing and contesting of county bond elections, and if the levy of the tax or the issuance of said bonds shall be authorized at any such elections, the tax may be levied and bonds may be sold and issued from time to time in the manner provided by law for the authorization and sale of county bonds. In the event the voters of Tuscaloosa County do not authorize the levy of the tax or the issuance and sale of said bonds at any election called hereunder then other elections may be called by the governing body of Tuscaloosa County from time to time until the voters of Tuscaloosa County do authorize the levy of the tax or the issuance and sale of said bonds; provided that no two elections shall be held within one year of each other. The indebtedness herein authorized shall be in addition to all other indebtedness authorized prior to the adoption of this amendment."

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

Constitutional Amendment.

Passed the Senate August 16, 1973.

Passed the House August 28, 1973.

Act No. 651

H. 1555—Robertson, Bank

AN ACT

To create an Industrial Development Authority for Tuscaloosa County for the purpose of promoting industry and trade and the development of said county; to provide for the organization, powers, functions, duties and personnel of such Authority and to provide for the payment of the expenses of such Authority and for the compensation of its employees.

Be It Enacted by the Legislature of Alabama:

Section 1. For the purpose of promoting industry and trade and to assist the county commission or other like governing bodies in Tuscaloosa County in their pursuits therefor, there is hereby created an Industrial Development Authority for Tuscaloosa County which shall be composed of twenty (20) members. All members of the Authority shall be residents and qualified electors of Tuscaloosa County. Two of the members of the Authority shall be appointed by the probate judge of the county. Two of the members shall be appointed by each of the three members of the county governing body. Seven of the members of the Authority shall be appointed by the city commission of the City of Tuscaloosa from the members of the industrial development board of the City of Tuscaloosa. Three of the members of the Authority shall be appointed by the council of the City of Northport from the members of the industrial development board of the City of Northport. Two of the members of the Authority shall be appointed by the city council of Vance from the members of the industrial development board of Vance. The members appointed by the probate judge shall serve six-year terms concurrent with the term of the probate judge. Other members of the Authority shall serve for terms of four years each concurrent with the terms of the appointing authority. Successors to members of the board shall be appointed in the same manner as the original members are appointed and all members shall serve until their successors are so appointed. Vacancies on the board shall be filled by the appointing authority making the original appointment, but any person appointed to fill a vacancy shall serve only for the unexpired portion of the term.

Section 2. The Authority shall hold an organizational meeting within thirty days after the appointment of all its members and shall elect a Chairman and Vice Chairman from among its members. Such officers shall serve for such term as the Authority by rule or regulation may prescribe. After the organizational meeting, the Authority shall meet at the time and place designated in the call. The Chairman or a majority of its members may call a meeting of the Authority, and at least four meetings shall be held annually. The Chairman shall preside at each meeting of the Authority. In his absence, the Vice Chairman shall preside. A majority of the members of the Authority shall constitute a quorum. Members of the Authority shall receive no compensation for their services, but they shall be entitled to reimbursement for their actual and necessary expense incurred in the performance of their official duties.

Section 3. Upon the organization of the Industrial De-

velopment Authority of Tuscaloosa County said Authority shall be constituted an instrumentality for the exercise of public and essential governmental functions and the exercise of the powers conferred by this act, and the development of the county shall be deemed to be an essential governmental function of the county.

Section 4. The Authority may employ a Director, who shall be its chief administrative officer and serve as secretary to the Authority. The Authority shall fix the salary of the Director who shall serve at its pleasure. The Director shall have authority to employ clerical and other assistants subject to the approval of the Authority. The Authority may require the Director to be bonded for the faithful performance of his duties before he enters upon the discharge thereof.

Section 5. The Authority or its agents and employees may (a) investigate, study and engage in basic research relative to the natural resources of land, water, minerals, and people in the county and apply its findings in efforts to promote a sound and balanced agricultural, industrial and economic development of the county; (b) cooperate with municipal, regional state or federal planning or other industrial development authorities; (c) publicize and advertise the industrial, commercial and agricultural resources and opportunities in the county; (d) collect, compile and distribute literature concerning the facilities, advantages and attractions of the county, the educational, historic, recreational and scenic places of interest within the county and the air, water and highway transportation facilities; (e) contract with other agencies, individuals or corporations to promote the purposes of this act, and expressly to contract with any municipality in the county, not having an industrial development board, to act as the development agency for such municipality, and as such agency to exercise all powers granted to municipal development agencies under the general laws of the state; (f) enter upon any land in the county, with consent of the owner, and make examinations and surveys and place and maintain necessary monuments and markings thereon; (g) accept gifts, grants, bequests or devises; (h) acquire land for industrial park development and construct buildings for lease, for industrial development only; and (i) issue bonds and incur debt for the purposes of carrying out the function of industrial development of Tuscaloosa County.

Section 6. The Authority may establish and maintain an office at some suitable place within the county, and the cost of securing, furnishing, equipping, lighting, heating and maintaining such office shall be a lawful charge against any funds appropriated for the use of the Authority.

Section 7. The county governing body of Tuscaloosa County shall annually, before the end of the county's fiscal year, fix the amount to be expended by the Industrial Development Authority herein created, and shall deposit such amount as it determines to be necessary for the efficient operation of the Authority in a special fund in the county treasury to the credit of said Authority. All other funds otherwise coming into the hands of said Authority shall likewise be deposited in said fund. The ordinary and necessary operating expenses of the Authority, including the expenses of its members and the salaries and expenses of employees of the Authority shall be paid out of Authority funds.

Section 8. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. All laws or parts of laws in conflict with this act are repealed.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 3:45 P.M.

Act No. 652

H. 1300—Robertson, Bank

AN ACT

To amend Section 4 of Act No. 1292, H. 1795, Regular Session, (Acts 1971, p. 2220) providing for the office of commissioner and deputy commissioner of licenses in counties having a population of not less than one hundred fifteen thousand and not more than one hundred fifty thousand according to the last or any subsequent decennial federal census, so as to provide for the establishment of the deputy commissioner's salary, require such commissioner to be bonded, and take an oath of office.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 4 of Act No. 1292, H. 1795, Regular Session, (Acts 1971, p. 2220) is hereby amended to read as follows:

“Section 4. The commissioner of licenses herein provided for shall appoint a deputy commissioner of licenses who shall, in the absence of the commissioner, have the power and authority herein granted to the commissioner of licenses. Said deputy commissioner shall be paid an annual compensation

equal to 80 percent of the annual salary of the commissioner herein provided for, and shall be required to take an oath of office and be bonded in the same manner as the commissioner. The commissioner of licenses shall also appoint a chief clerk and a sufficient number of clerks and assistants to properly perform the duties of his office; however, all such appointments shall be made in strict conformity with the provisions of the civil service or merit system law of the county, and the commissioner of licenses shall be deemed to be the appointing authority within the meaning of any civil service or merit system law. The salary of the chief clerk shall be the same as the salary of the chief clerk of other county officers performing the same or similar duties."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 4:45 P.M.

Act No. 653

H. 1684—Lutz, King, Grainger, Hale

AN ACT

To alter the boundary lines of the City of Huntsville, Madison County, Alabama, so as to include within the corporate limits of said City, all territory described below.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the City of Huntsville, Madison County, Alabama, be, and the same are altered or rearranged so as to include within the corporate limits of said City of Huntsville all territory now within such corporate limits and also certain other territory in Madison County, Alabama, such said other certain territory is more particularly described as being all of the territory lying within the County of Madison, State of Alabama, included and embraced within the boundaries herein set out, to-wit:

All that part of Sections 3, 9, 10, 15, 16, 21, 22, 23, 26, 27, and 28, Township 5 South, Range 1 East, Madison County, Alabama, particularly described as beginning at the center of the West boundary of Section 3, Township 5 South, Range 1 East; thence, east 2640 feet to the center of Section 3, Township 5 South, Range 1 East; thence, south 3960 feet to the center of the west boundary of the Northeast quarter of Section 10, Township 5 South, Range 1 East; thence, east 1320

feet to the center of the northeast quarter of Section 10, Township 5 South, Range 1 East; thence, south 10,560 feet to the center of the northeast quarter of Section 22, Township 5 South, Range 1 East; thence, east 1320 feet to the center of the east boundary of the northeast quarter of Section 22, Township 5 South, Range 1 East; thence, south 1320 feet to the center of the east boundary of Section 22, Township 5 South, Range 1 East; thence, east 1320 feet to the center of the north boundary of the southwest quarter of Section 23, Township 5 South, Range 1 East; thence, south 1980 feet to the center of the west boundary of the southeast quarter of the southwest quarter of Section 23, Township 5 South, Range 1 East; thence, east 1320 feet to the center of the east boundary of the southeast quarter of the southwest quarter of Section 23, Township 5 South, Range 1 East; thence, south 3300 feet to the center of Section 26, Township 5 South, Range 1 East; thence, west 1980 feet to the center of the south boundary of the southwest quarter of the northwest quarter of Section 26, Township 5 South, Range 1 East; thence, north 1320 feet to the center of the north boundary of the southwest quarter of the northwest quarter of Section 26, Township 5 South, Range 1 East; thence, 4620 feet to the center of the northwest quarter of Section 27, Township 5 South, Range 1 East; thence, north 1320 feet to the center of the north boundary of the northwest quarter of Section 27, Township 5 South, Range 1 East; thence, east 1320 feet to the center of the north boundary of Section 27, Township 5 South, Range 1 East; thence, north 2640 feet to the center of Section 22, Township 5 South, Range 1 East; thence, west 1980 feet to the center of the north boundary of the northwest quarter of the southwest quarter of Section 22, Township 5 South, Range 1 East; thence, south 1320 feet to the center of the south boundary of the northwest quarter of the southwest quarter of Section 22, Township 5 South, Range 1 East; thence, west 2640 feet to the center of the north boundary of the southwest quarter of the southeast quarter of Section 21, Township 5 South, Range 1 East; thence, south 1320 feet to the center of the south boundary of the southwest quarter of the southeast quarter of Section 21, Township 5 South, Range 1 East; thence, west 660 feet to the center of the north boundary of Section 28, Township 5 South, Range 1 East; thence, south 1320 feet to the center of the east boundary of the northwest quarter of Section 28, Township 5 South, Range 1 East; thence, west 1320 feet to the center of the northwest quarter of Section 28, Township 5 South, Range 1 East; thence, north 3960 feet to the center of the south boundary of the northwest quarter of Section 21, Township 5 South, Range 1 East; thence, east 1320 feet to the center of Section 21, Township 5 South, Range 1 East; thence, north 2640 feet to the center of the north boundary

of Section 21, Township 5 South, Range 1 East; thence, west 1980 feet to the center of the south boundary of the southwest quarter of the southwest quarter of Section 16, Township 5 South, Range 1 East, which point is further described as being on the present corporate boundary of the City of Huntsville, Alabama; thence, along the eastern boundary of the corporate limits of the City of Huntsville, Alabama, to the place of beginning as follows: north 2640 feet to the center of the north boundary of the northwest quarter of the southwest quarter of Section 16, Township 5 South, Range 1 East; thence, east 660 feet to the center of the south boundary of the northwest quarter of Section 16, Township 5 South, Range 1 East; thence, north 2640 feet to the center of the south boundary of the southwest quarter of Section 9, Township 5 South, Range 1 East; thence, east 1320 feet to the center of the south boundary of Section 9, Township 5 South, Range 1 East; thence north 2640 feet to the center of Section 9, Township 5 South, Range 1 East; thence, east 1320 feet to the center of the south boundary of the northeast quarter of Section 9, Township 5 South, Range 1 East; thence, north 2640 feet to the center of the north boundary of the northeast quarter of Section 9, Township 5 South, Range 1 East; thence, east 1320 feet to the southwest corner of Section 3, Township 5 South, Range 1 East; thence, north 2640 feet to the center of the west boundary of Section 3, Township 5 South, Range 1 East, the place of beginning and containing 3100 acres more or less.

Section 2. Notwithstanding the other provisions hereof the parent or legal guardian of any child residing within the area described in Section 1 hereof shall have the absolute right, for the 1973-1974 and 1974-1975 school years, to elect to send such child to the school in the Madison County System which said child would have attended had this Act not become law or to such school as to which said child may be assigned within the Huntsville City School System.

Section 3. The provisions of this Act are severable, and if any part hereof is declared invalid or unconstitutional such declaration shall not affect the remaining parts hereof.

Section 4. That all laws and parts of laws, both general, special and local, in conflict with this Act be, and the same are hereby repealed.

Section 5. This Act shall go into effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 4:45 P.M.

Act No. 654

S. 119—Shelby

AN ACT

Relating to counties having populations of not less than 110,000 nor more than 150,000, according to the 1970 or any subsequent federal decennial census; providing further for extending the corporate limits and boundaries of incorporated municipalities in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only in counties having populations of not less than 110,000 nor more than 150,000, according to the 1970 or any subsequent federal decennial census.

Section 2. Whenever the governing body of any incorporated municipality situated within any county to which this act applies shall pass a resolution to the effect that the public health or public good requires that certain territory (describing it) shall be brought within the limits of the city or town:

(1) It shall be the duty of the mayor to certify a copy of such resolution to the judge of probate of the county in which the land proposed to be annexed is situated, and said certified resolution shall have attached thereto a plat or map of said territory, which certified resolution and plat or map shall be filed by the judge of probate.

(2) Within ten days from the date of the filing of such resolution, the judge of probate must make and enter an order upon the minutes of said court, directing and ordering an election to be held by the qualified electors residing within the territory described, not less than twenty days nor more than forty days from the date of the making of the order. The said judge shall give notice of the holding of such election by publication in a newspaper published within the city or town whose limits are proposed to be extended if a newspaper is published therein, and if no newspaper is published in such municipality, then by posting notices at three public places in such municipality, which notice shall state the day on which such election is to be held, the voting place or places, the boundaries within which voters must reside to vote at the respective voting places, which must be within the territory proposed to be brought into the city or town, and such notice must give a description of the territory proposed to be annexed, and must state that a map of such territory is on file in the office of the judge of probate of said county, open to the inspection of the public.

(3) The judge of probate may designate as many places within the territory proposed to be annexed as he may deem necessary for the convenience of the voters and must designate

the boundaries within which the voters must reside to vote at the respective voting places, and shall appoint three inspectors of election, two clerks and one returning officer for each voting place, which inspectors shall manage the election at the respective voting places at which they are appointed as inspectors.

(4) Each qualified elector who has resided within the boundaries of the territory proposed to be brought into the county or town for three months next preceding the election, may vote at such election, but must vote at the voting place designated by the judge of probate of voters in the territory in which he resides.

(5) The election to determine whether or not the proposed territory shall be brought within such corporate limits must be conducted in all respects as provided by the general election laws, and under the same sanction and penalties, except as changed by the provisions hereof, and except that an official ballot need not be provided.

(6) Each voter may furnish his own ballot with the following words written or printed thereon: "For annexation," if he desires to vote in favor of annexing the territory to the city, or "against annexation," if he desires to vote against annexing the territory to the city or town. It shall not be necessary for the ballot to be of any particular size, form, or color.

(7) The inspectors at the respective voting places must, as soon as the polls are closed, ascertain and certify the results of the election, at their respective voting places, to the judge of probate, and deliver the same to the judge of probate, and the judge of probate must canvass the return as made by the inspectors, and if it appears that a majority of the votes cast at the election were "for annexation," the judge shall make and enter an order on the records of the probate court adjudging and decreeing the corporate limits of the city or town to be extended so as to embrace the territory described in the resolution and designated on the plat or map attached to the resolution, and must cause the certified resolution and the map and all orders or decrees or judgments to be recorded in the records in his office, and from the time of the entry of such order such territory shall be part of and within the corporate limits of the city or town. If it appears that a majority of the votes cast at the election are "against annexation" the judge of probate shall make and enter an order on the records of the court adjudging and decreeing that a majority of the votes at such election were cast against coming into the corporate limits of the city or town, and that the

territory described and designated in the resolution and plat or map attached shall not form a part of or be embraced in the city or town until it may thereafter be brought into the city or town as a part thereof.

(8) The result of such election may be contested by any qualified elector voting at the election under the same provisions as are provided by general law for contesting the election of justice of the peace, making the city or town the contestee. The city or town at whose instance the election is held shall pay all costs and expense incident to the election.

(9) The plat or map filed with the certified copy of the resolution, as required herein, shall show accurately the territory proposed to be embraced within the corporate limits, including all subdivisions into lots, blocks, streets and alleys within such territory, if any, and an accurate description by metes and bounds of the boundary of such territory, which territory must be contiguous to the boundary of and form a homogeneous part of the city or town and such territory may extend to or around the boundary lines of any other city or town, but is not to embrace any territory within the corporate limits of another municipality. No platted or unplatted territory shall be included within such boundary unless there are at least two qualified electors residing on each quarter of each quarter section, according to government survey, or part thereof, of such platted or unplatted land, and the persons, firms or corporations owning at least sixty percent of the acreage of such platted or unplatted land signify their consent by signing said petition. However, the provision requiring at least two qualified electors to reside on each quarter of each quarter section, or part thereof, shall not apply to any quarter of a quarter section, or part thereof, when the persons, firms or corporations owning at least eighty percent of the acreage in said quarter of a quarter section, or part thereof, and the persons, firms or corporations owning at least eighty percent of the assessed value of the land and improvements in said quarter of a quarter section, or part thereof, have consented thereto in writing. Proof of residence and qualification as electors of petitioners and of persons affected shall be made to the judge of probate, by affidavit or otherwise, as he may direct. When determining ownership and assessed value, respectively, of the land and improvements within such boundary, the persons, firms or corporations assessing the same for taxation and the assessed value for the preceding tax year shall be accepted by the probate judge as prima facie proof thereof.

Section 3. (1) Whenever the owners of all the property in a particular area desire for such territory to be annexed to a

municipality situated within any county to which this act applies, the owners of such property shall all sign a petition which shall signify their desire for such territory to be annexed, and such petition shall be filed with the governing body of such municipality; and there shall also be filed at the same time with such municipality a plat or map which shall show accurately the territory proposed to be embraced within the corporate limits, including all subdivisions into lots, blocks, streets and alleys within such territory, if any, and an accurate description by metes and bounds of the boundary of such territory.

(2) Any territory to be annexed must be contiguous to the boundary of and form a homogeneous part of the city or town and such territory may extend to or around the boundary line of any other city or town, but is not to embrace any territory within the corporate limits of another municipality.

(3) If the governing body of the municipality to which the petition is presented shall approve the annexation of such territory by appropriate resolution, the governing body of such municipality shall then forward to the judge of probate of the county within which the municipality and territory to be annexed are located a certified copy of such resolution together with a copy of the petition and the map or plat filed with such petition.

(4) The judge of probate shall determine within ten days after receipt of such petition whether the petition does in fact contain the names of the persons, firms or corporations which in fact own all the property embraced within the territory to be annexed. When determining the ownership of the land within such territory, the persons, firms or corporations assessing the same for taxation shall be accepted by the judge of probate as prima facie the owners thereof.

(5) If it is determined that the petition is signed by the owners of all property within the territory to be annexed, then within ten days from the filing of such resolution, together with the petition and the plat or map attached thereto, the judge of probate shall direct and order that the resolution be advertised once a week for three consecutive weeks in a newspaper having a general circulation in said municipality or by posting such resolution in three public places in said municipality, if there is no newspaper of general circulation published therein. In addition to such advertisement or posting, the judge of probate shall within ten days of the receipt of such resolution send by registered or certified mail notice of such proposed annexation to all persons, firms or corpora-

tions which he has found to be an owner of property located within the territory to be annexed, such notice to state the time within which protests must be filed.

(6) If no protest is filed with the office of the judge of probate within thirty days from the time the resolution is first published or posted, or if such protests are determined, after hearing as provided herein, to be without merit, the judge of probate, if he has determined that the petition is signed by the owners of all the property within the territory to be annexed, shall forthwith make and enter on the records of the probate court adjudging and decreeing the corporate limits of the town or city to be extended so as to embrace the territory described in the resolution and designated on the plat or map attached to the resolution, and must cause the certified resolution and the plat or map attached to it, together with the petition of the owners of the affected acreage setting forth their desire for the annexation together with all other orders, notices, decrees or judgments relating to said annexation, to be recorded in the records of the office of the judge of probate, and from the time of entry of such order such territory shall be a part of and within the corporate limits of the town or city.

(7) Within thirty days from the date the resolution is first published or posted, any person, firm or corporation owning acreage in the territory proposed to be annexed, may file a written protest with the judge of probate contesting the proposed annexation on the ground that said person, firm or corporation is in fact the owner of land embraced within the territory proposed to be annexed and did not give consent thereto in writing by signing such petition. Upon receipt of such protest, the judge of probate shall designate a day and time not less than ten nor more than twenty days after the last day for the filing of protest, at which time a hearing shall be held to hear any and all such protests and at which time those persons, firms or corporations protesting the proposed annexation may present evidence to show that the annexation should not be accomplished in accordance with the provisions of this Section. If it is determined, on the basis of the evidence presented at such hearing, that a person, firm or corporation owning land within the territory proposed to be annexed did not in fact consent in writing to such annexation by signing such petition, the judge of probate shall make and enter an order on the records of the court adjudging and decreeing that the annexation proceedings under this Section are null and void.

(8) Any city or town having extended its corporate limits under the provisions of this Section may again extend its cor-

porate limits hereunder or under any other law authorizing an extension of corporate limits by such city or town. Failure to complete annexation proceedings in accordance with this Section shall not preclude any city or town from seeking to annex the same territory under any other law.

(9) In every proceeding to extend the corporate limits of any city or town under the provisions of this Section, the governing body of such city or town shall declare in each and every resolution herein provided for and the city clerk and probate judge shall declare in each and every notice given hereunder and in every order made and entered on the records of the probate court hereunder, that such resolution, notice, or order, as the case may be, is passed, given, or entered under the provisions of this Section.

(10) All territory brought within the corporate limits of a city or town under the provisions of this Section shall be subject to its laws and ordinances and the governing body shall have and exercise the same jurisdiction over such territory as is exercised over all other territory within the corporate limits of the city or town.

Section 4. In the event that any section, sentence, clause or provisions of this act shall be held or declared invalid by any court of competent jurisdiction, such adjudication shall not affect the remaining sections, sentences, clauses and provisions of this act, but it is the legislative intention in passing this act that such remaining sections, sentences, clauses, and provisions shall nevertheless stand and continue effective.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed, insofar as they conflict with this act.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 4:45 P.M.

Act No. 655

S. 149—Baker

AN ACT

To provide for the formation of local school board employee groups for the purpose of securing group insurance and other benefits.

Be It Enacted by the Legislature of Alabama:

Section 1. Each local board of education may form its employees into a group or groups or recognize existing groups for the purpose of obtaining the advantages of group life, disability, medical, and dental insurance or any group insurance plans to aid its employees, as long as the employees continue to be employed by the board of education. Any local board of education may pay all or part of the premium on the policies, and/or may deduct from the salaries of the employees that part of the premium which is to be paid by them and may contract with the insurer to provide the above benefits.

Section 2. Each local board of education shall adopt policies or regulations which will provide for deductions from salaries of its employees or groups of employees whenever a request is presented to the board by said employees or groups thereof. Such deductions shall be made from salaries earned in at least six different pay periods, and shall be remitted to the appropriate company, association or organization as specified by the employees. The deductions may be made for, but not limited to tax sheltered annuities, membership dues and group insurance premiums. With the exception of membership dues, the board shall not be required to make more than one remittance, of amounts deducted during a pay period, for a separate type of deduction. Health insurance, life insurance, and tax-sheltered annuities shall be interpreted as separate types of deductions. When amounts have been correctly deducted and remitted by the board, said board shall bear no further responsibility or liability for subsequent transaction.

Section 3. Payments and deductions made by the board of education under the authority of this section are presumed to be for services rendered and for the benefit of the public schools; and the payments and deductions do not affect the eligibility of any school system to participate in the foundation program as established in Sections 208-215 of Title 52 of the Code of Alabama, Recompiled 1958.

Section 4. The provisions of this act are severable. If any part of this act is declared to be invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. Repealer. All laws or parts of laws in conflict with this Act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval of the Governor or its otherwise becoming a law.

Approved August 30, 1973.

Time: 4:45 P.M.

AN ACT

To provide for a system of self-indexing of all land transfer instruments recorded in probate offices in counties having a population of not less than 115,000 nor more than 150,000 persons according to the last or any subsequent Federal Decennial Census.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions: For the purposes of this Act the following definitions shall apply:

(a) A "land transfer instrument" is any instrument in writing purporting to create, transfer, release, surrender or encumber any interest in land, legal or equitable, or to give notice of any claim against land, or to limit the right to use, transfer or encumber land, except the following:

a will; and

a map or plat; and

a notice of any tax levied against land, or any assessment for public improvements made by the State of Alabama, by any county or municipality or other instrumentality of the State of Alabama, or by any instrumentality of any county or municipality; and

a notice of any judgment, tax assessment or other proceeding creating a general lien against all the land of a named person; and

a record of the administration of any testate or intestate estate; and

a record of any judicial proceeding; and

an affidavit; and

a zoning ordinance; and

a complete or partial satisfaction, release or assignment of a mortgage or other lien; and the record of any sale of land, or any interest therein, to satisfy a lien for taxes assessed against such land or interest or for an assessment for public improvements, when such sale, tax assessment or assessment for public improvements is made by the State of Alabama, by any county or municipality of the State of Alabama, or by any instrumentality of any county or municipality of the State of Alabama; or a deed executed by any public official in ratification of such sale.

(b) A "source of title" is one of the following:

A recorded instrument or instruments by which a per-

son executing a land transfer instrument has acquired the title or other interest purportedly created or transferred or by which a person acquired the title or other interest against which a land transfer instrument evidences a claim: or

A recorded instrument or instruments, other than a power of attorney, by which a person executing a land transfer instrument acquired the right to execute such instrument; or

A recorded Possession Page, Estate Page or Judicial Decree Page as hereinafter defined.

(c) A "Possession Page" is a sheet of paper of the same size and quality as other sheets contained in the deed books. Such a page shall be inserted in the deed books by the judge of probate at the request of a person presenting for record a land transfer instrument evidencing a claim against a title or interest acquired by another exclusively by adverse possession or prescription without any reliance upon any recorded source of title. The page shall be designated at the head, "Possession Page." The heading shall be followed by the name of the person claiming by adverse possession or prescription. It shall thereafter contain a description of the land claimed and a brief statement as to the extent of the claim. The Possession Page shall be indexed in the reverse name index to deeds as though the claimant were the grantee. It shall not be indexed in the direct name index to deeds. Only one Possession Page shall relate to the claim of any designated person against a given tract of land. No Possession Page shall be established unless there is endorsed thereon an affidavit by an attorney at law stating he has examined the record and, to his best knowledge and belief, there is no other previously recorded Possession Page, or other recorded source of title, purporting to give notice of title to the same land acquired by the same person described as the claimant in the newly created Possession Page.

(d) An "Estate Page" is a sheet of paper of the same size and quality as other sheets contained in the deed books. Such a page shall be inserted in the deed books by the judge of probate at the request of a person presenting for recording a land transfer instrument, evidencing a claim against a title or interest acquired by testate or intestate succession. The page shall be designated at the head, "Estate Page." The heading shall be followed by the name of the decedent. The Estate Page shall also show the county in which the estate was probated and the file number of the proceeding. If the estate has not been probated, the Estate Page shall contain the notation "Estate Not Probated," in lieu of the entry provided for in the preceding sentence. The Estate Page shall be indexed in the direct name index of deeds as though the

deceased were the grantor, but no grantee will be shown. It shall not be indexed in the reverse name index to deeds. Only one Estate Page shall be created for any estate. Where the estate is being probated, or has been probated, in the same county where the land affected by the land transfer instrument lies, the judge of probate shall note in the margin, adjacent to the name of the estate, at the entry showing the initial application for probate, in the index of probated estates, that an Estate Page has been created for the estate and is recorded in an indicated deed book at an indicated page. Where an estate has not been probated, or has been probated in another county, the probate judge shall enter in the index of probated estates the name of the deceased, followed by the entry, "Unprobated Estate," or "Probated in _____ County" (naming the county), as the case may be. He shall then note in the margin adjacent to the name of the estate in the index that an Estate Page has been created and is recorded in an indicated deed book at an indicated page.

(e) A "Judicial Decree Page" is a sheet of paper of the same size and quality as other sheets contained in the deed books. Such a page shall be inserted in the deed books by the judge of probate at the request of a person presenting for recording a land transfer instrument evidencing a claim against a title or interest acquired by virtue of a judicial decree, other than a proceeding to probate a testate or intestate estate. The page shall be designated at the head, "Judicial Decree Page." The heading shall be followed by the style of the action to which it pertains, followed by the file number of the action, the office in which the record is lodged, and the book and page in which the final decree has been recorded. The Judicial Decree Page shall be indexed in the direct and indirect name index to deeds as though all the parties were both grantors and grantees. Only one judicial decree page shall be created for any one action or proceeding. When such a page has been established the judge of probate shall note in the margin of the *lis pendens* filed to give notice of the action or proceeding the fact that a judicial decree page has been created and is recorded in an indicated book at an indicated page. A *lis pendens* may be filed at any time, either before or after a final judgment or decree and shall continue to give notice after a final judgment or decree has been rendered. The filing of a final judgment or decree ordering the execution of a land transfer instrument, or sufficient in itself to transfer an interest in land, shall not be notice of its contents until such *lis pendens* has been filed. Without excluding any other type of action or proceeding, an action for divorce or separation, in which the court is asked to adjudicate, or does adjudicate, the property rights of a husband and wife,

falls within the terms of this section.

(f) A "first endorsement" is the endorsement, required by Section 2 of this Act to be placed on the face of or in the margin of any land transfer instrument indicating how the instrument shall be indexed on the source of title.

(g) A "second endorsement" is that part of the first endorsement to be recorded in the claims list in the margin of the record of a source of title. It contains a description of the instrument to be listed in the claims list and the location of such instrument, and, where required, the index location of the land.

(h) A "claims list" is the list, in the margin of the record of any source of title, containing all second endorsements, as herein defined, indexing claims against the source of title. If the margin of the record of the source of title is insufficient to contain any or all of the second endorsements, an additional sheet or sheets of paper may be attached to the record of the source of title by means of metal grommets; or, in lieu thereof, a new page, to be called "an endorsement sheet", may be inserted in some other place in the deed books. If an endorsement sheet is inserted it shall relate to one and only one source of title and shall carry at the head the statement that it is an endorsement sheet for a designated record, recorded in a designated book at a designated page. Whenever an endorsement sheet is established for any source of title that fact and the location of the endorsement sheet shall be endorsed in the margin or on the face of the source of title. Any sheet or sheets attached by grommets and any endorsement sheet shall be deemed a part of the margin of the original record.

(i) An "instrument to be indexed" or "instrument to be recorded" is any land transfer instrument presented for record.

(j) A "person" includes both the singular and the plural, a corporation, an estate, an executor, an administrator, a partnership and any other legal entity capable of conveying an interest in land.

(k) The "probate judge" is the probate judge for the county in which any land, title to which is affected by an instrument to be recorded or indexed under the terms of this Act, lies.

(l) "Agreements not to encumber" shall be treated, for purposes of recording and indexing, as though they are mortgages. For purposes of indexing the person agreeing not to encumber shall be treated as the mortgagor and the person to whom the promise is made as the mortgagee.

(m) The index location of any land gives the township, range, section and quarter-quarter section in which the land lies, or, in lieu thereof, gives a reference to the parcel number of the land according to a map or plat recorded in the office of the probate judge in which the land lies, identified by reference to the book and page where the map or plat is recorded.

Section 2. Endorsement on Instruments: After the effective date of this Act no probate judge in any county having a population of not less than 115,000 nor more than 150,000 persons, according to the last or any subsequent Federal Decennial Census, shall accept for recording any land transfer instrument which does not carry on its face or on the margin a first endorsement. The first endorsement shall be in substantially the following language: "Endorse in claims list on the source or sources of title, recorded in _____ (giving kind of book, number of book and page therein where the source of title is found) the following: '_____' (giving a brief description of the land transfer instrument upon which the first endorsement appears, such as deed, mortgage, lease, contract or similar instrument) recorded in _____ book number _____ at page _____." Where the land transfer instrument affects less than all the land described in the source of title or where the source of title is a testate or intestate estate or a judicial decree, the endorsement set out above shall be followed by the index location of the land affected. The probate judge may, in his discretion, permit abbreviations to be used in the endorsement, so long as such abbreviations are consistent and intelligible. The probate judge and his deputies are forbidden to make the first endorsement on the land transfer instrument or to fill in the entries showing the source of title other than a Possession, Estate or Judicial Decree page not already established; except that where two instruments are presented for recording, the first constituting both a claim against a pre-existing source of title and a source of title against which the second instrument is evidence of a claim, and the second is filed before the first has been assigned a book and page number for recording, the source of title entries in the endorsement on the second instrument shall be filled in by the probate judge or his deputy after the first instrument has been assigned a book and page number for recording. The probate judge or his deputy, when the instrument to be recorded has been assigned a book and page number for recording, shall complete the entries to be used in the second endorsement. When the first endorsement is completed, the second endorsement, consisting of the description of the instrument to be recorded and the location where it is recorded, and, when required, the index location of the land, shall be

copied in the claims list in the margin of the record of the source of title.

If the land transfer instrument evidences a claim against more than one source of title, all such sources shall be listed in the first endorsement and the second endorsement shall be entered in the claims list in the margin of the record of each such source of title.

If the source of title of the person against whom a claim is made, or of the grantor named in any other land transfer instrument, is an unrecorded instrument not immediately available for recording by the person seeking to record any land transfer instrument, such fact shall be set forth in the first endorsement, together with a recitation of the chain of title back to the last recorded source of title. In such case the second endorsement shall be entered in the margin of the record of the last recorded source of title. If the source of title of the grantor, or person against whom a claim is made, is an unrecorded instrument immediately available for recording by the person seeking to record the land transfer instrument, the judge of probate shall require the recording of the source of title as a prerequisite to the recording of the land transfer instrument.

When the source of title is an intestate or testate estate the first endorsement shall recite such fact and the book and page number where testate or intestate's source of title is recorded and the book and page number where the Estate Page is recorded. An Estate Page shall be established, if one is not already recorded, and the second endorsement shall be entered in the claims list on the Estate Page. When the source of title is a testate or intestate estate and the testator or intestate acquired his interest through another testate or intestate estate, the first endorsement shall recite the chain of title back to the last land transfer instrument recorded in the deed books. An Estate Page shall be established for each estate in the chain of title for which an Estate Page has not previously been established and the second endorsement shall be entered in the claims list on each Estate Page and in the margin of the last land transfer instrument recorded in the deed books.

When the only source of title is adverse possession or prescription the first endorsement shall recite such adverse possession or prescription and the book and page number where the Possession Page is recorded. A Possession Page shall be established, if one is not already recorded, and the second endorsement shall be entered in the claims list on the Possession Page.

When the source of title is a judicial decree, other than that contained in a proceeding to probate a testate or intestate estate, the first endorsement shall recite such fact and the book and page number where the Judicial Decree Page is recorded. A Judicial Decree Page shall be established, if one is not already recorded, and the second endorsement shall be entered in the claims list on the Judicial Decree Page.

If a land transfer instrument executed prior to the effective date of this Act is presented for recording the probate judge may accept it for recording despite the fact that it does not bear on its face a first endorsement, if and only if there is endorsed on the instrument or attached thereto for recording an affidavit by an attorney at law stating that he has searched the record and, to his best knowledge and belief, there is no recorded source of the grantor's title or no recorded source of title of the person against whom the instrument represents notice of a claim. Upon recording an instrument under the terms of this paragraph the probate judge shall not be required to enter any second endorsement.

Section 3. Satisfaction, etc. of Mortgages: Where the satisfaction, release or assignment of any mortgage or other lien, or a power of attorney to execute such satisfaction, release or assignment, is not entered in full on the face of the record of the mortgage or lien, but is recorded at some other place in the mortgage books or other series of land title records maintained in the probate judge's office, the probate judge shall enter in the margin of the record of the mortgage or lien a notation showing the book and page number where the satisfaction, release, assignment or power of attorney is recorded. Where a release or satisfaction affects only a part of the land subject to the release or satisfaction the index location of the land affected shall also be entered.

If the margin of a mortgage is insufficient to contain all required endorsements it may be enlarged in the same fashion as provided for the enlargement of margins of sources of title in Section 1 (h) of this Act.

Section 4. Prior Acts Not Repealed: Nothing contained in this Act shall repeal any existing statute providing for the recording and indexing of instruments creating or transferring any interest in land.

Section 5. Fees: For indexing any instrument in compliance with the provisions of this Act the probate judge shall, in addition to all other fees heretofore provided by law, be entitled to receive a fee of one dollar where only one second endorsement is required and one dollar plus twenty-five cents for each additional endorsement where more than one second

endorsement is required. All fees collected under the terms of this section shall be deposited with the county treasurer, or other official having custody of the general funds of the county, and shall be held by him in a special fund. The probate judge shall be authorized, at his discretion, to draw warrants, payable out of this fund, to compensate any additional clerk or clerks employed in the probate office to carry out the indexing provided for by this Act, or to increase the compensation of any clerk already employed. Any sums remaining in this special fund at the end of the fiscal year shall be transferred to the general funds of the county. The probate judge is authorized to employ an additional clerk or clerks to carry out the indexing provided for in this Act; provided that, without authorization of the county commission or other county governing board, no compensation shall be paid to such clerk or clerks, other than sums drawn from the special fund above provided for.

Section 6. Counties Exempted: This Act shall apply only to counties having a population of not less than 115,000 nor more than 150,000 persons according to the last or any subsequent Decennial Federal Census.

Section 7. Effective Date: This Act shall take effect six months after its passage by the Legislature and its approval by the Governor or upon its otherwise becoming law.

Section 8. Standard Severability Clause: If for any reason, any section, paragraph, provision, clause or other part of this Act shall be held unconstitutional or invalid, the fact shall not invalidate any other section, paragraph, provision, clause or other part of this Act in and of itself constitutional and valid, and the remaining parts thereof shall be in force without regard to that so held unconstitutional or invalid; provided, further, that if any section, paragraph, provision, clause or other part shall be held unconstitutional or invalid when applied to a given set of facts, such action shall not invalidate such section, paragraph, clause or other part when applied to another and different set of facts.

Approved August 30, 1973.

Time: 4:45 P.M.

Act No. 657

S. 277—Shelby

AN ACT

Relating to counties having a population of not less than 110,000

and not more than 150,000, authorizing the county governing body to furnish an assistant legal stenographer for the District Attorney in certain counties classified on a population basis, and further to bring any already existent legal stenographer of the District Attorney in such counties under the provisions of civil service or merit system of such counties, and to empower such officers to appear before Grand Jury sessions to record or report the testimony of witnesses therein.

Be It Enacted by the Legislature of Alabama:

Section 1. In any counties having a population of not less than 110,000 and not more than 150,000 according to the last or any subsequent federal decennial census, any office of Legal Stenographer of the District Attorney of such county which has heretofore been established and provided for is hereby made subject to the civil service or merit system Act of such county. The salary of such office shall not be changed by this Act, except as hereinafter provided. Immediately upon passage and approval of this Act, the District Attorney shall appoint a competent, qualified person to the office of Legal Stenographer of the District Attorney of such county, such Legal Stenographer to have civil service status and be removable by the District Attorney only for cause in accordance with the civil service or merit system of such county. However, any subsequent vacancy in such office shall be filled in the manner of vacancies in other offices covered by the civil service or merit system of such counties. Such Legal Stenographer shall be empowered and authorized to appear before Grand Jury sessions in such counties for the purpose of reporting or recording the testimony of witnesses appearing before such Grand Jury sessions, and shall do so at such times as may be deemed desirable by the District Attorney of such counties.

Section 2. The county governing body in such counties is hereby authorized to establish and provide for a position of Assistant Legal Stenographer of the District Attorney of such county. Such Assistant Legal Stenographer shall assist the Legal Stenographer of the District Attorney of such county in the conduct of the duties and responsibilities of that office and shall act as such officer in the absence of such officer, and shall act under the direction of the District Attorney and of said Legal Stenographer in carrying out such duties. The Assistant Legal Stenographer shall be empowered and authorized to appear before Grand Jury sessions in such counties for the purpose of reporting or recording the testimony of witnesses appearing before such Grand Jury, and shall do so at such times as may be deemed desirable by the District Attorney of such county.

The District Attorney of such county shall, subject to the civil service or merit system Act of such county, appoint such

Assistant Legal Stenographer, whose compensation shall be established by the civil service or merit system board of such county, which shall be paid by the county governing body of such county as salaries of other employees and officers of such county are paid.

Section 3. When from time to time the Assistant Legal Stenographer of the District Attorney shall receive an increase in pay, then at the same time the salary paid by the county to the Legal Stenographer of the District Attorney shall be increased by the same amount.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 4:45 P.M.

Act No. 658

S. 543—Shelby

AN ACT

To create and establish offices of Deputy District Attorney No. 1, No. 2, and No. 3 of the Sixth Judicial Circuit, and to provide for the appointment and for the duties and compensation of such offices.

Be It Enacted by the Legislature of Alabama:

Section 1. The offices of Deputy District Attorney No. 1, No. 2, and No. 3 of the Sixth Judicial Circuit are hereby created. These Deputy District Attorneys shall be appointed by and shall serve at the pleasure of the District Attorney of the Sixth Judicial Circuit.

Section 2. The total annual compensation of each such Deputy District Attorney shall be computed by the criteria set out in Section 3 hereinbelow. Of the total annual compensation of each such Deputy District Attorney, each shall be paid such annual salary by the State of Alabama as is otherwise provided by law. The remainder of the said annual compensation of each such Deputy District Attorney shall be paid by Tuscaloosa County, which sum shall be paid from the general funds of said County in equal installments as the salaries of other county officers are paid.

Section 3. The total annual compensation to be received by each Deputy District Attorney shall be computed by the use of Levels and Steps. Levels shall refer to the amount of legal experience which such Deputy District Attorney had at the time

he was appointed to such office, or has at the time in the future at the time that he is appointed to such office. It is intended to entitle an attorney with applicable legal experience to commence such office at a higher rate of pay than one who has less applicable legal experience. Steps shall refer to the amount of time that such Deputy District Attorney has served in the office as such Deputy District Attorney or the length of time that such officer shall continue. It is intended by this provision to allow periodic increases to pay as incentive for such officer to continue to serve in such office.

(A) The District Attorney for the Sixth Judicial Circuit is authorized to hire Deputy District Attorneys without prior applicable legal experience at Level One, Step One of the Schedule, and to increase their compensation to that set forth in Level One, Step Two at the termination of one year's service in such office. Thereafter, increases in compensation for such Deputy District Attorneys shall be made annually at the rate of one step increments within the grade scale, provided the performance of such Deputy District Attorneys has been satisfactory to the District Attorney.

(B) The said District Attorney is authorized to hire Deputy District Attorneys with a minimum of one year and less than two years applicable legal experience at Level Two, Step One of the Schedule, and to increase the compensation for such Deputy District Attorneys to that set forth in Level Two, Step Two at the termination of one year's service in such office. Thereafter, increases in compensation for such Deputy District Attorneys shall be made annually at the rate of one step increments within the grade scale, provided the performance of such Deputy District Attorneys has been satisfactory to the District Attorney.

(C) The said District Attorney is authorized to hire Deputy District Attorneys with a minimum of two years and less than three years applicable legal experience at Level Three, Step One of the Schedule, and to increase the compensation for such Deputy District Attorneys to that set forth in Level Three, Step Two at the termination of one year's service in such office. Thereafter, increases in compensation for such Deputy District Attorneys shall be made annually at the rate of one step increments within the grade scale, provided the performance of such Deputy District Attorneys has been satisfactory to the District Attorney.

(D) The said District Attorney is authorized to hire Deputy District Attorneys with a minimum of three years and less than four years applicable legal experience at Level Four, Step One of the Schedule, and to increase the compen-

sation of such Deputy District Attorneys to that set forth in Level Four, Step Two at the termination of one year's service in such office. Thereafter, increases in compensation for such Deputy District Attorneys shall be made annually at the rate of one step increments within the grade scale, provided the performance of such Deputy District Attorneys has been satisfactory to the District Attorney.

(E) The Schedule hereinabove referred to, consisting of Levels and Steps shall be as follows:

	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
LEVEL 1	\$10,900	11,500	12,100	12,700	13,300	13,900	14,500	15,100
LEVEL 2	11,500	12,100	12,700	13,300	13,900	14,500	15,100	15,700
LEVEL 3	12,100	12,700	13,300	13,900	14,500	15,100	15,700	16,300
LEVEL 4	12,700	13,300	13,900	14,500	15,100	15,700	16,300	16,900

	Step 9	Step 10	Step 11	Step 12	Step 13	Step 14	Step 15
LEVEL 1	\$15,700	16,300	16,900	17,500	18,100	18,700	19,300
LEVEL 2	16,300	16,900	17,500	18,100	18,700	19,300	19,900
LEVEL 3	16,900	17,500	18,100	18,700	19,300	19,900	20,500
LEVEL 4	17,500	18,100	18,700	19,300	19,900	20,500	21,100

(F) The appropriate Level which applies to each Deputy District Attorney serving as such officer on the date that this Act becomes effective will be determined by the length of his applicable legal experience at the time he was employed as such officer.

(G) The appropriate Step which applies to each Deputy District Attorney serving as such officer on the date that this Act becomes effective will be determined by the length of his service as such Deputy District Attorney. That is, it will be presumed that he would have achieved each step increase in pay had this Schedule been in force at the time of his being employed as such officer.

(H) In the event that any former Public Defender or former Assistant Public Defender shall be employed as a Deputy District Attorney after the date on which this Act becomes effective, his Level will be determined by the length of applicable legal experience which he had at the time he was employed in the office of Public Defender.

(I) In the event that any former Deputy District Attorney or former Public Defender or former Assistant Public Defender shall be employed as a Deputy District Attorney after the effective date of this Act, his Step shall be determined by the length of his previous service as a Deputy District Attorney and/or his service in the Office of Public Defender. Provided, however, no previous experience may be used in reaching both Step and Level.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved: August 30, 1973

Time: 4:45 P.M.

Act No. 659 H. 995—Timmons, Doss, Erdreich, Adwell,
Weeks, Ellis, McNair, McMillan,
Falkenburg, Waggoner

AN ACT

To amend Section 11 of Act No. 405 enacted at the 1967 Regular Session of the Legislature of Alabama (applicable to any county in the state having a population of 500,000 or more, according to the last or subsequent federal census), so as to allocate to the Board of Health of any such county (effective with the distribution required to be made on or before July 20, 1974) nine per cent (9%) of the first one-half share of proceeds from the taxes levied by said Act No. 405 over and above that portion allocated for the costs of collection, administration and enforcement and so as to increase (effective with the distribution required to be made on or before October 20, 1973) from twenty-two per cent (22%) to thirty-one per cent (31%) the portion of the total amount of the second one-half share of proceeds from the taxes levied by said Act No. 405 required to be paid to the Treasurer or other custodian of funds for the Board of Health of any such county.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 11 of Act No. 405 enacted at the 1967 Regular Session of the Legislature of Alabama is hereby amended to read as follows:

“Section 11. Application of Proceeds. On or before the twentieth day of each calendar month, commencing with the calendar month next following that during which the Commissioner of Licenses first collects any of the taxes levied hereby, the Commissioner of Licenses shall divide into two equal shares the total proceeds (including any interest and penalties) collected by him during the then preceding calendar month from the license and privilege taxes levied hereby.

The first such one-half shall be applied by the Commissioner of Licenses as follows: (a) he shall pay into the general treasury of the county, for the collection of the taxes levied hereby and for the enforcement and administration of this act, an amount equal to one and one-half percent (1-½%) of the total proceeds

so collected, (b) he shall, commencing with the payment or distribution required to be made on or before July 20, 1974, pay to the Treasurer or other custodian of funds for the Board of Health in any such county an amount equal to nine per cent (9%) of such one-half share, and (c) he shall pay the balance of such one-half share into the Indigent Care Fund.

The second such one-half share shall be applied by the Commissioner of Licenses as follows:

(a) He shall pay \$100,000 of such one-half share to the Authority (or, in the event that such one-half share of the proceeds collected by him during such preceding calendar month is less than \$100,000, he shall pay all of such one-half share to the Authority);

(b) In the event that the total of the amounts paid to the Authority during such calendar month (but out of collections from the then preceding calendar month) from the taxes levied by Acts numbered 524 and 525, both enacted at the 1965 Regular Session of the Legislature of Alabama, aggregates less than \$100,000, he shall also pay to the Authority such amount of such one-half share as, when added to the amounts so paid to the Authority from the taxes levied by said Acts numbered 524 and 525, will equal the sum of \$100,000;

(c) He shall pay to the Treasurer or other custodian of funds for the Board of Health of any such county an amount equal to twenty-two (22%) of the total amount of the second such one-half share; and

(d) He shall pay to the Treasurer or other custodian of funds for the Board of Health of any such county an amount equal to nine per cent (9%) of the total amount of the second such one-half share; provided however, that if

(i) prior to June 15, 1973, the county has issued any bonds, warrants or other securities for the payment of which there have been specially pledged any part of the tax proceeds provided by this paragraph (d) to be paid to the Treasurer or other custodian of funds for the Board of Health of any such county (said tax proceeds being herein called for the purposes of this paragraph (d) "the Paragraph (d) Tax Proceeds" , and

(ii) other tax proceeds and revenues pledged or otherwise available for the payment of said bonds, warrants or other securities are insufficient to pay the principal of or the interest on the said bonds, warrants or other securities as the same respectively mature or otherwise to comply with the agreements and covenants made by the county in connection with the issu-

ance of, and for the benefit of the holders of, said bonds, warrants or other securities,

then so much of the Paragraph (d) Tax Proceeds as, when added to other moneys available therefor, shall be necessary to pay said principal or interest and to comply with said agreements and covenants shall be paid into general treasury of the county and applied for the payment of said principal or interest or in such manner as shall be necessary to comply with said agreements and covenants; and, provided further, that said payments to the Treasurer or other custodian for the Board of Health of an amount equal to nine per cent (9%) of the total amount of the second such one-half share shall not commence until the payment or distribution required to be made on or before October 20, 1973, and that until such time said nine per cent (9%) of such one-half share shall be paid into the general treasury of the County; and

(e) He shall pay into the general treasury of the county the entire balance of such one-half share.

In the event that the county or the Authority issues any bonds, warrants or other securities for the payment of which any part of the taxes levied in this act are pledged, this act shall be deemed to constitute a contract with the holders of such bonds, warrants or other securities."

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective on the first day of the calendar month next succeeding that during which it becomes law.

Approved August 30, 1973.

Time: 4:45 P.M.

Act No. 660

H. 1371—Edwards

AN ACT

To provide an additional expense allowance for the chairman and members of the County Commission of all counties having a population of not less than 12,700 nor more than 13,100 according to the most recent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 12,700 nor more than 13,100, according to the most re-

cent federal decennial census, the County Commission may increase the expense allowance of the chairman and each member of the commission by an amount not to exceed \$150 per month. This expense allowance shall be in addition to any and all other expense allowances provided them. Provided however, that this expense allowance may be paid out of either the gasoline funds, road and bridge funds, or the general fund of the county.

Section 2. This Act shall become effective on the first day of the month immediately following its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 4:45 P.M.

Act No. 661

H. 1487—McDonald, Drake

AN ACT

Relating to the twenty-seventh judicial circuit of Alabama, providing for two assistant district attorneys and for county supplement to the existing salary of the district attorney of said judicial circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created in the twenty-seventh judicial district of Alabama the two offices of deputy district attorney, which deputy district attorneys shall be appointed by and serve at the pleasure of the district attorney of said judicial circuit.

Section 2. The deputy district attorneys provided for shall represent the state in all cases in the county court and inferior courts, and all preliminary proceedings, applications for bail and habeas corpus proceedings in all courts, aid or act for the district attorney before the grand jury and in all matters in the circuit court when requested to do so by the district attorney, and shall perform all duties of the district attorney in his absence when so directed by the district attorney, provided, however, that it shall be no part of the duties of such deputy district attorneys to aid or act for the district attorney in any juvenile case unless so directed by the judge trying such case.

Section 3. Such deputy district attorneys shall each receive an annual salary of \$4,800.00, to be paid upon the warrant of the probate judge out of the general fund of any county located in said circuit in twelve equal monthly installments.

Section 4. The district attorney of the twenty-seventh judicial district of Alabama shall receive, in addition to the annual compensation payable by the State of Alabama, an amount which shall be supplemented by any county located in said circuit, equal to one-fourth of the compensation now or hereafter payable by the State of Alabama to the district attorney of such judicial district. Such county supplement shall be payable from the county treasury in equal monthly installments. Said supplemental salaries shall be in lieu of any other supplement now authorized by law for the district attorney of said judicial circuit.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are repealed.

Section 7. This act shall become effective on January 20, 1975.

Approved August 30, 1973.

Time: 4:45 P.M.

Act No. 662

H. 1521—Snell

AN ACT

To amend further Section 1 of Act No. 129, S. 54, Special Session 1961 (Acts 1961, p. 2053) as last amended, "An Act fixing the compensation of the deputy solicitor of Chambers County."

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 129, S. 54, Special Session 1961 (Acts 1961, p. 2053) as last amended is hereby further amended so as to read as follows:

"Section 1. The compensation of the Deputy Solicitor appointed for Chambers County shall be an annual salary of seven thousand two hundred dollars (\$7,200) and shall be payable in equal monthly installments from the county treasury."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 4:45 P.M.

Act No. 663

H. 1725—Edwards

AN ACT

Relating to counties having a population of not less than 12,700 nor more than 13,100 according to the most recent federal decennial census; to authorize the governing body of any such county to provide an expense allowance to the members of the county board of education.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of any county having a population of not less than 12,700 nor more than 13,100 according to the most recent federal decennial census is authorized to and may in its discretion provide an expense allowance to each member of the county board of education not to exceed \$35 per month; such expense allowance is to be in addition to any other salary, expense, or allowance provided such member and shall be paid from the general education funds of the county.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 4:45 P.M.

Act No. 664

H. 1786—Grey (D)

AN ACT

Relating to all counties having populations of not less than 16,245 nor more than 16,300 according to the most recent federal decennial census; providing for the payment by the county of expense allowances for members of boards of registrars in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 16,245 nor more than 16,300, according to the most recent federal decennial census, each member of the board of registrars shall receive ten dollars (\$10) per day as expenses, to be paid by the county on order of the presiding officer of the county governing body, for each day's attendance of the registrar upon the sessions of the board. The expense allowance provided for herein shall be payable from the general funds of the county and shall be in addition to the compensation of the registrars payable by the State as prescribed in Code of Alabama 1940, Title 17, Section 24 and Act No. 531, S. 101, Regular Session 1947 (Acts 1947, p. 388), as amended.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 4:45 P.M.

Act No. 665

H. 1787—Grey (D)

AN ACT

To provide expense allowances for members of the county commission of all counties having populations of not less than 16,245 nor more than 16,300 according to the most recent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 16,245 nor more than 16,300, according to the most recent federal decennial census, members of the county commission shall each be entitled to receive an expense allowance of \$100 per month, which shall be in addition to all other compensation and allowances now provided by law for such commissioners. Such allowances shall be paid out of any available funds in the county treasury.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 4:45 P.M.

Act No. 666

H. 1788—Grey (D)

AN ACT

Relating to all counties having populations of not less than 16,245 nor more than 16,300; providing for the compensation of members of the jury commission in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 16,245 nor more than 16,300, according to the most recent federal decennial census, each member of the jury commission shall be paid twenty dollars (\$20) per day for each day he is actually engaged in the discharge of his duties as a member, to be paid out of the county treasury upon the warrant of the probate judge of the county. The warrants shall be issued by the probate judge upon evidence satisfactory to him that such service has been rendered. It is specifically provided, however, that the board shall not meet more than thirty days in any one calendar year.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 4:50 P.M.

Act No. 667

H. 1789—Grey (D)

AN ACT

Relating to all counties having populations of not less than 16,245 nor more than 16,300; providing additional clerk hire allowances for the offices of the probate judge, tax assessor, tax collector and circuit clerk in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 16,245 nor more than 16,300, according to the most recent federal decennial census, the probate judge, tax assessor, tax collector and circuit clerk shall each be entitled to receive

additional allowances for the expense of clerk hire in the following amounts:

Probate judge	\$1,200 per year
Tax assessor	1,200 per year
Tax collector	1,200 per year
Circuit clerk	400 per year

Section 2. The allowances herein provided, which shall be in addition to all other allowances for such offices, shall be paid in equal monthly installments out of any available funds in the county treasury.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 4:50 P.M.

Act No. 668

H. 1790—Grey (D)

AN ACT

Relating to counties having populations of not less than 16,245 nor more than 16,300, according to the most recent federal decennial census; to provide for an expense allowance for the members of the county board of equalization payable from the general funds of the county.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 16,245 nor more than 16,300, according to the most recent federal decennial census, the chairman and each member of the county board of equalization shall be entitled to five dollars (\$5.00) a day for expenses for each day's attendance on meetings of the board as provided by law. The expense allowance herein provided for shall be payable from the general funds of the county and shall be in addition to any per diem provided members of the county board of equalization pursuant to Act No. 594, S. 716, Regular Session 1969

(Acts 1969, p. 1081), as amended by Act No. 378, S. 635, Regular Session 1971 (Acts 1971, p. 670), and as provided by Code of Alabama 1940, Title 51, Section 94, as amended.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 4:50 P.M.

Act No. 669

H. 1834—Cauthen

AN ACT

To provide for the creation of public corporations in counties having populations of not less than 75,000 nor more than 90,000 according to the most recent federal decennial census, as political subdivisions of such counties by initiation of city and county governments within such counties to acquire, enlarge, improve, expand, own, operate, lease and dispose of properties to the end that such corporations may be able to enhance the public health and welfare of said counties by providing for the disposal of solid wastes generated through sanitary landfills and other approved methods of disposal, to authorize the fixing and collection of charges and other fees for services rendered, to establish the procedure for incorporation through initiation of two or more participating governing bodies within such counties, to provide for the contents of the Certificate of Incorporation and to require approval thereof by the participating governing bodies, to provide for filing and approval of the Certificate of Incorporation by and with the judge of probate of such counties wherein the participating governing bodies function, to provide for the method of amending the Certificate of Incorporation, to provide for the government and management of the corporation through a Board of Directors, with designation of terms of office and providing for successor directors and allowing for officers and employees of the participating entities or governing bodies to serve as such, and to require no compensation for such directors except for reimbursement of actual expenses, to provide for the powers of the corporation, to exempt the corporation from usury laws and from taxation, to allow for investment of municipal and county funds in the obligations of the corporation, and to authorize appropriation of funds and conveyance of properties of participating entities to the corporation with or without compensation, to declare non-liability of participating entities for the obligations of the corporation, and to deny such as debts of such entities, to provide for the means of dissolution of the corporation, to exempt the corporation from payment of any taxes for the recording of documents with said judges of probate, to

provide that the powers granted the corporation are cumulative and to express the non-limitation of powers of other state and governmental subdivisions, to provide for the severability of the provisions of the Act, and for its effective date, and to definitions and legislative interest.

Be It Enacted by the Legislature of Alabama:

Section 1. DEFINITIONS.

Definitions as used in this Act are as follows:

(a) **Solid Waste:** Solid Wastes, Garbage, Ashes and Rubbish as defined in the Solid Wastes Disposal Act, Act No. 771, Regular Session, 1969, as amended by Act No. 2247, Regular Session 1971, Legislature of Alabama.

(b) **Landfill and Sanitary Landfill:** As defined in the Solid Wastes Disposal Act, as amended, *supra*.

(c) **Governing Body:** The City Council Commission of any municipality to which this Act applies, and the County Commission of any county government to which this Act applies.

(d) **Participating Entity:** Municipal corporations and county corporate bodies to which this Act applies.

(e) **Project:** Any undertaking by the corporation pursuant to the provisions of this Act.

Section 2. LEGISLATIVE INTENT.

It is the intention of the Legislature by the passage of this Act to authorize the incorporation in counties having populations of not less than 75,000 nor more than 90,000 according to the most recent federal decennial census in which proceedings shall be taken pursuant to the provisions of this Act of a public corporation, as a political subdivision of the State, to acquire, enlarge, improve, expand, own, operate, lease, and dispose of properties to the end that such corporation may be able to enhance the public health and welfare in such counties by providing for the disposal of solid waste generated by the general public, businesses, institutions, governments, and industry through sanitary land fills and other approved methods of disposal, and authorizing the fixing and collection of charges and fees for such services.

It is the further intent of the Legislature by the passage of this Act to vest such public corporations with all powers that may be necessary to enable them to accomplish such purposes. This Act shall be liberally construed and in conformity with said intention.

Section 3. AUTHORITY AND PROCEDURE FOR INCORPORATION.

Whenever any two or more governing bodies within counties to which this Act applies shall determine to have a public corporation formed under the provisions of this Act, they shall adopt a resolution wherein it shall be declared that it will be wise, expedient and necessary that such corporation be formed in cooperation with such other governing body or bodies within such counties participating, and directing the Chief Executive Officer, or other designated official of the governing body, to proceed with the incorporation as herein provided.

Section 4. CONTENTS OF CERTIFICATE OF INCORPORATION.

The certificate of incorporation of the corporation shall state the following:

The names of the persons forming the corporation, who shall be the Chief Executive Officers, or other designated persons, of the participating governing bodies, together with the residence of each, and a statement that each of them is a duly qualified elector of the county of incorporation; the name of the corporation which shall be the "_____County Solid Waste Authority" (blank space to be filled in with the name of the county of incorporation) or words of similar import; the location of its principal office, which shall be the county seat of the county of incorporation; the number of directors to serve on the Board of Directors; and means and method of appointment and the terms of office of each; the purposes for which the corporation is organized; the duration of the corporation (if the duration is perpetual, this fact should be stated); the method and proportion of distribution of assets on dissolution; and any other matters which the incorporators may choose to insert therein which shall not be inconsistent with this act or with the laws of the State of Alabama.

The form and content of the Certificate of Incorporation must be submitted to and approved by each participating governing body within any county to which this Act applies, which approval shall be evidenced by a resolution or order entered upon the minutes of each such governing body, certified copy of which shall be attached to the Certificate of Incorporation upon filing. Upon approval by each governing body of the form and content of the Certificate of Incorporation, the incorporators shall subscribe and acknowledge to the Certificate of Incorporation before an officer authorized by the State of Alabama to take acknowledgements to deeds.

Section 5. FILING AND APPROVAL OF CERTIFICATE OF INCORPORATION.

When approved, executed and acknowledged in conformity with the preceding section, the Certificate of Incorporation shall be filed with the judge of probate in the applicable counties wherein the participating governing bodies function. The Judge of Probate shall thereupon examine the Certificate of Incorporation, and, if he finds the recitals therein are correct, that the requirements of the preceding sections have been complied with, and that the name is not identical with or so nearly similar to that of another corporation already in existence in this state as to lead to confusion and uncertainty, he shall approve the Certificate of Incorporation and record it in an appropriate book of record in his office. When such certificate has been so made, filed and approved, such shall constitute a public corporation of the name set out in the Certificate of Incorporation.

Section 6. AMENDMENT TO CERTIFICATE OF INCORPORATION.

The Certificate of Incorporation may at any time and from time to time be amended so as to make changes therein and add any provisions thereto which might have been included in the Certificate of Incorporation in the first instance. Any such amendments shall be effective in the following manner: the members of the Board of Directors of the corporation shall file with the governing bodies authorizing the formation of the corporation, an application in writing seeking permission to amend the Certificate of Incorporation, specifying in such application the amendment proposed to be made. Such governing bodies shall consider this application and, if it shall by appropriate resolution duly find and determine that it is wise, expedient, and necessary that the proposed amendment be made and shall authorize the same to be made, and shall approve the form of the proposed amendment, then the persons making such application shall execute an instrument embodying the amendment specified in such application, and shall file the same with the Judge of Probate of the county in which the Certificate of Incorporation was originally filed. The proposed amendment shall be subscribed and acknowledged by each member of the Board of Directors before an officer authorized by the laws of Alabama to take acknowledgements to deeds. There shall be attached as exhibits, certified copies of resolutions of the governing bodies required to be adopted. Such Judge of Probate shall thereupon examine the proposed amendment, and, if he finds that the requirements of this section have been complied with, the proposed amendment is within the scope of what might be included in the original

Certificate of Incorporation he shall approve the amendment and record it in an appropriate book in his office. When such an amendment has been so made, filed, and approved, it shall thereupon become effective and the Certificate of Incorporation shall thereupon be amended to the extent provided in the amendment. No Certificate of Incorporation shall be amended except in the manner provided in this section.

Section 7. BOARD OF DIRECTORS.

The Corporation shall have a Board of Directors in which all powers of the corporation shall be vested and which shall consist of any number of directors, but not less than three, as shall be specified in the Certificate of Incorporation. Persons serving as directors shall be duly qualified electors of the county of incorporation, and may be an officer or employee of any of the participating entities or governing bodies. The directors shall be elected by the participating governing bodies for staggered terms in accordance with the terms of the Certificate of Incorporation. At the time of the election of the first Board of Directors, the governing bodies shall divide the number of directors into three groups containing and as near equal number as possible. The first term of the directors included in the first group shall be two years, the first term of the directors in the second group shall be four years, the first term of the directors in the third group shall be six years, and thereafter the terms of all directors shall be six years; provided, that if at the expiration of any term of office of any director a successor thereto shall not have been elected, then the director whose term of office shall have expired shall continue to hold office until his successor shall be so elected. The directors shall serve as such without compensation except that they shall be reimbursed for their actual expenses incurred in and about the performance of their duties hereunder.

Section 8. CORPORATE POWERS.

The corporation shall have the following powers together with the powers incidental thereto or necessary for the performance of those hereinafter stated: (1) To have succession by its corporate name for the period specified in the certificate of incorporation unless sooner dissolved as hereinafter provided; (2) to sue and be sued and to prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties; (3) to have and to use a corporate seal and to alter the same at pleasure; (4) to acquire, whether by purchase, construction, exchange, gift, lease or otherwise, to improve, maintain, equip, furnish, own and operate one or more projects, including all real and personal properties which the Board of Directors may deem necessary

in connection therewith and regardless of whether or not any such projects or any part thereof shall then be in existence; (5) to fix, prescribe and collect rates, fees, tolls, charges or rental for the use of any of its facilities and for services, facilities and accommodations furnished by it or any of its facilities, which may be set to pay costs of operations, corporate expenses and indebtedness, pay for lands and equipment, and to set aside funds to replace lands and equipment and other assets of the corporation as shall be deemed necessary to perpetuate the services and facilities offered; (6) to adopt and enforce rules and regulations relative to the use of occupancy of any of its facilities or services; (7) to sell, exchange, and convey, to contract to sell, exchange and convey and to grant options to acquire any or all of its properties whenever its board of directors shall find any such action to be in furtherance of the purposes for which the corporation was organized; (8) to issue its bonds for the purpose of carrying out any of its powers; (9) as security for the payment of the principal of and interest on any bonds so issued and any agreements made in connection therewith, to mortgage and pledge any or all of its projects or any part or parts thereof, whether then owned or thereafter acquired, and to pledge the revenues and receipts therefrom or from any thereof; (10) to assume obligations secured by a lien on, or payable out of or secured by a pledge of, the revenues and receipts from any or all of its projects, or any part thereof that may be acquired, any obligation so assumed to be payable solely out of the revenues and receipts from any or all of its projects, or part thereof; (11) to appoint, employ, contract with, and provide for the compensation of such officers, employees and agents, including but without limitation to engineers, attorneys, architects, construction contractors, management consultants, and fiscal advisors, as its business may require; (12) to enter into a management agreement or agreements with any person for the management of any or all of its projects or part thereof; (13) to purchase, take, receive, lease, take by gift, devise or bequeath, or otherwise acquire, own, hold, improve, use and otherwise deal in and with real or personal property, or any interest therein, whenever situated; (14) to sell, convey, mortgage, pledge, lease, exchange, transfer and otherwise dispose of all or any part of its property and assets; (15) to make contracts and incur liabilities, borrow money at such rates of interest as the Board of Directors may determine, issue notes, bonds, and other obligations, and secure any of its obligations by mortgage or pledge of all or any of its property, franchises, and income; and (16) to make and alter by-laws, not inconsistent with its Articles of Incorporation or with the laws of this state, for the administration and regulation of the affairs of the corporation.

Section 9. EXEMPTION FROM USURY LAWS.

Each corporation organized under the provisions of this Act is exempted from the laws of the State of Alabama governing usury or prescribing or limiting interest rates.

Section 10. EXEMPTION FROM TAXATION.

Each project and the income from all sources with respect thereto, the obligations issued by the corporation and the income therefrom and all lease agreements and mortgages made pursuant to the provisions thereof, shall be exempt from all taxation of the State of Alabama. No license or excess tax may be imposed on any corporation formed hereunder in respect of the privilege of engaging in any of the activities authorized by this Act.

Section 11. INVESTMENT OF MUNICIPAL AND COUNTY FUNDS.

The governing bodies authorizing the incorporation are authorized in their discretion to loan money from time to time to the corporation and to invest in bonds, notes and other evidences of indebtedness of the corporation.

Section 12. APPROPRIATION OF FUNDS AND CONVEYANCE OF PROPERTY TO CORPORATION BY PARTICIPATING ENTITIES.

Participating entities are hereby authorized from time to time to appropriate funds and to convey to the corporation, with or without the payment of monetary consideration therefor, any property that may be owned by any of them whether or not such property is necessary for the conduct of the public function of the entity involved; provided, that such conveyance shall be authorized by resolution duly adopted by the governing body prior to such conveyance.

Section 13. NON-LIABILITY OF PARTICIPATING ENTITIES.

The participating entities shall not be liable for the payment of the principal of or interest on any bonds or other indebtedness of the corporation, or the performance of any pledge, mortgage, obligation, or agreement of any kind whatsoever which may be undertaken by the corporation and none of the bonds of the corporation or any of its obligations or agreements shall be construed to constitute an indebtedness of any of the participating entities within the meaning of any constitutional or statutory provision whatsoever.

Section 14. DISSOLUTION OF CORPORATION.

Whenever the Board of Directors of the corporation shall by resolution determine that the purposes for which the corporation was formed have been substantially complied with and all bonds theretofore issued and all obligations theretofore incurred by the corporation have been fully paid, then the members of the Board of Directors of the corporation shall thereupon execute and file for record in the Office of the Judge of Probate of the county in which the corporation is organized, a certificate of dissolution reciting such facts and declaring the corporation dissolved. Such certificate of dissolution shall be executed under the corporate seal of the corporation. Upon the filing of such certificate of dissolution the corporation shall stand dissolved, the title, all funds and property owned by it at the time of its dissolution shall vest in the participating entities in that proportion stated in the Certificate of Incorporation, and possession of such funds and property shall be delivered to the participating entities and documents shall be executed evidencing such distribution by the Directors.

Section 15. FILING AND RECORDING TAXES AND FEES.

The Certificate of Incorporation of the corporation or any amendment thereof, any deeds or other documents whereby properties are conveyed over to the corporation, any mortgages or deeds of trust or leases executed by the corporation and the certificate of dissolution of the corporation may all be filed for record in the Office of the Judge of Probate of the county in which the corporation is organized without the payment of any tax or fees other than such fees as may be authorized by law for the recording of such instruments.

Section 16. POWERS CONFERRED ON CORPORATION CUMULATIVE; OTHER PROCEEDINGS, ETC. AS TO INCORPORATION AND ISSUANCE OF BONDS NOT REQUIRED; POLICE POWERS OF STATE AND GOVERNMENTAL SUBDIVISIONS NOT IMPAIRED.

This Act nor anything herein contained shall not be construed as a restriction or limitation upon any powers which the corporation might otherwise have under the laws of this state but shall be construed as cumulative of any such powers. No proceedings, notice or approval shall be required for the organization of the corporation or issuance of any bonds or any instrument as security therefor, except as is herein provided, any other law contrary notwithstanding; provided, that nothing herein shall be construed to deprive either the state,

or the governmental subdivisions of said counties to which this Act applies of their respective police powers over any properties of the corporation or to impair any power thereof of any official or agency of the state or said applicable governmental subdivision which might be otherwise provided by law.

Section 17. SEVERABILITY.

The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part or parts which remain.

Section 18. EFFECTIVE DATE.

This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 4:50 P.M.

Act No. 670

H. 1863—Reed (T), Gray (F)

AN ACT

Relating to Macon County; to regulate the salary and appointment of the jailers employed by the Sheriff.

Be It Enacted by the Legislature of Alabama:

Section 1. The Sheriff is hereby authorized to appoint not more than two (2) jailers whose salaries shall not exceed \$400 per month. Such salaries shall be fixed by the Sheriff and shall be payable from the general funds of the county.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed. Act 811, H. 1042, Regular Session 1969 (Acts 1969, p. 1463), is hereby specifically repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 4:50 P.M.

Act No. 671

H. 1870—Casey

AN ACT

To amend Section 1 of Act No. 114, H. 333, Regular Session 1967, (Acts 1967, p. 452), which relates to providing compensation and allowances of members of the Cleburne County governing body; so as to increase the monthly expense allowance of such body.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 114, H. 333, Regular Session 1967, (Acts 1967, p. 452), is hereby amended to read as follows:

"Section 1. Each member of the governing body of Cleburne County in addition to their present salary of \$150 per month shall be entitled to receive an expense allowance of three hundred fifty dollars (\$350) per month. Such salary and allowance shall be the entire compensation of each such officer for the performance of the duties of his office. And the chairman of the county commission, board of revenue or other like governing body of Cleburne County shall not receive any salary for his services as chairman of said governing body but shall receive \$200 each three months as an expense allowance. Such salaries and allowances shall be paid out of any funds in the county treasury available for such payments according to law."

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 4:50 P.M.

Act No. 672

H. 1875—Edwards

AN ACT

To authorize the Autauga County governing body to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and prescribing the procedure for levying and collecting such assessments.

Be It Enacted by the Legislature of Alabama:

Section 1. The county governing body of Autauga County is authorized, when the need exists, to provide protection against forest fires in Autauga County by participating in the Alabama Forestry Commission's fire protection program in the manner hereinafter specified.

Section 2. (a) After the Autauga County Governing body has determined that such a need does exist in Autauga County, the county governing body may, in the manner hereinafter specified, provide for a financial charge or tax of five cents per acre to be paid by the owners of forest lands located in Autauga County for the use of the land for timber growing purposes amounting to the whole or any part of the cost of such fire protection program.

(b) "Forest lands" as used in this Act, shall mean any land which supports a forest growth, or which under prevailing natural and economic conditions may be expected to support such a growth in the future, or which is being used or reserved for any forest purpose. "Forest lands" as used in this Act, shall not include any lands primarily used for residential purposes nor shall it include any publicly owned lands.

Section 3. The needs for such a financial charge or tax to provide forest fire protection within the county shall be determined by the county governing body after a public hearing is held thereon. Notice of such public hearing shall be given by the county governing body for a period of two consecutive weeks by advertisement in a newspaper of general circulation in Autauga County. Such advertisement must indicate the date, time, and place of the hearing, the manner proposed to finance such fire protection program, and the part of the cost of such program that is proposed to be paid by the owners of forest lands. Any person owning forest land in Autauga County may appear in person or by attorney at such time and place and make defense against such financial charge or tax or the amount thereof. After such hearing the county governing body shall determine the amount thereof. After such hearing the county governing body shall determine the amount of such financial charge or tax and enter on the minutes of the governing body an order fixing such financial charge or tax.

Section 4. Any such financial charge or tax fixed as provided in the above section shall be payable at the same time and in the same manner as county taxes and the owners of the forest lands, as herein defined, shall make report of same to the tax assessor of Autauga County at the time fixed by law for making return of the property of such property owner.

Financial charges or taxes levied shall constitute a lien on the property against which they are charged or taxed in case of default in the payment of such financial charge or tax the land may be sold in the same manner and under the same conditions that lands are sold for the satisfaction of liens for county ad valorem taxes and redemption from such sale may be effected in the same manner as is provided by law for redemption where land is sold for non payment of ad valorem taxes.

Section 5. The county governing body of Autauga County is authorized to appoint agents and delegate authority to individuals to search out forest lands in Autauga County, determine the area and owners thereof, and report same to the Tax Assessor of Autauga County who shall be authorized, after notice by certified mail to such owners, and hearing before the county governing body if so requested by such owners, to place said financial charge or tax against said forest lands as may be determined by the report of such agents or the determination of said county governing body.

Section 6. The tax herein imposed shall be due and payable quarterly to the state department of revenue, and shall, when collected, be paid by such department into the state treasury, and accredited to Autauga County. All monies collected in accordance with this Act shall be spent in participating in the Alabama Forestry Commission's forest fire protection program in Autauga County.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 4:50 P.M.

Act No. 673

H. 1882—Grey (D)

AN ACT

Relating to all counties having populations of not less than 16,245 nor more than 16,300; providing an additional expense allowance for county superintendents of education.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 16,245 nor more than 16,300, according to the most recent federal decennial census, the county superintendent of education shall be entitled to an expense allowance of \$3,000 per

annum, to be paid in equal monthly installments out of any funds of the county available for such purposes; and such allowance shall be in addition to all other compensation and allowances now provided by law for such superintendents of education.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 4:55 P.M.

Act No. 674

H. 1892—Stubbs

AN ACT

To amend Section 5 of Act No. 315, H. 390, 1971 Third Special Session (Acts of 1971, Vol. 5, Pages 4605, 4606) entitled, "An Act Relating to counties having populations of not less than 36,500 nor more than 39,200; establishing the office of Warrant Clerk in each commissioners district in such county; and to provide for their appointment, tenure and compensation."

Be It Enacted by the Legislature of Alabama:

Section 1. Section 5 of Act No. 314, H. 390, 1971 Third Special Session (Acts of 1971, Vol. 5, Pages 4605, 4606) entitled, An Act relating to counties having population of not less than 36,500 nor more than 39,200, according to the most recent federal decennial census; establishing the office of Warrant Clerk in each commissioners' district in such county, and to provide for their appointment, tenure and compensation; is hereby amended to read as follows: "Section 5. The Warrant Clerk shall be authorized and it shall be his duty to issue warrants of arrest in misdemeanor cases; and only upon approval of the District Attorney's office, may issue warrants of arrest in felony cases; and he may take and certify the affidavit of the prosecutor or complaining person or witnesses to any criminal cause for which a warrant for arrest on a misdemeanor or felony shall issue. For the performance of his duties such Warrant Clerk shall collect a fee of One Dollar for each warrant issued between the hours of 8:00 o'clock

a.m. and 4:00 o'clock p.m.; and shall collect a fee of Three Dollars for each warrant issued between the hours of 4:00 o'clock p.m. and 8:00 o'clock a.m. Such Warrant Clerk shall write or post the time of issuance on each such warrant and his signature thereon shall constitute a certification of the issuance time of such warrant; and such fee shall be taxed as a part of the court cost of such case. All fees due the Warrant Clerk shall be paid to him monthly.

Section 2. All other laws or parts of laws in conflict herewith are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 4:55 P.M.

Act No. 675

H. 1900—Turnham

AN ACT

To amend further Act No. 242, H. 678, approved July 15, 1949, (Acts of Alabama 1949, page 361, as amended), which created and established the Court of Common Pleas of Lee County, by amending said Act to provide for a Small Claims Division of that Court.

Be It Enacted by the Legislature of Alabama:

Section 1. Jurisdiction. There is hereby established a Small Claims Division of the Court of Common Pleas of Lee County. This division of this Court shall be presided over by the Judge of said Court. The Small Claims Division of said Court shall be responsible for the disposition of all claims in amounts not exceeding \$250.00. The judge or clerk or his deputy shall be authorized to issue summons and complaints, and all appropriate writs to commence a suit, and in addition, to issue process of garnishment, writs of detinue and attachment, after judgment, or as provided by law.

Section 2. Service of Process. Personal service of process shall be executed by any lawful officer or constable, and the fees and mileage provided by law for service of process in the circuit courts shall be charged and paid to said constable. Service of any process in the Small Claims Division is effected on the person to be served by delivering to him a copy thereof with a copy of the complaint or other initial pleading, or by leaving such copies at either his usual place of abode or place of employment with some person of the family above

15 years of age or in charge of such place of employment, and in either event informing such person of their contents. In the alternative, process may be made by certified mail, addressed to the defendant's proper mailing address. In the event the defendant shows to the satisfaction of the Court that he was not properly served and did not know of the existence of such suit before judgment was entered against him, and also shows to the satisfaction of the Court that he has a good defense to the claim, in whole or in part, the Court shall set aside any judgment by default and allow the defendant to interpose his defense; but, it shall not be necessary to reserve the defendant. After service of process has been executed and perfected on the defendant as required by law, the defendant shall appear and answer thereto within five days, and the process shall so recite.

Section 3. Court Costs. The filing fee for claims of amounts not exceeding \$50.00 shall be \$5.00. The filing fee for claims for amounts not exceeding \$100.00 shall be \$10.00. The filing fee for claims for amounts in excess of \$100.00 shall be \$15.00. Such filing fee shall be paid in advance by the plaintiff and reimbursed to him if collected from the defendant. No other costs or charges except for service of process shall be assessed the plaintiff or claimant in the Small Claims Division; but costs for other papers or writs filed shall be set by a schedule of costs to be fixed by the Judge.

Section 4. Procedures and Forms. The procedures and forms of the Small Claims Division shall be prescribed by the Judge of the Court, and the Clerk or his deputy shall assist the plaintiff in the preparation thereof upon request. The Clerk shall have authority to enter judgments by default, and by consent of the parties to hear and decide controversies and cases in the Small Claims Division; but any party may request that his case be tried before the Judge of the Court of Common Pleas.

Section 5. Compensation. The county governing shall have authority to compensate the Judge and Clerk for the additional duties imposed upon them, respectively, by this Act.

Section 6. Severability. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. Effective Date. This Act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 4:55 P.M.

Act No. 676

S. 170—Baker

AN ACT

To establish in the Ninth Judicial Circuit the office of clerk-secretary to each of the two circuit judges of said circuit; to prescribe the duties of said clerk-secretary, fix the term of office and prescribe the pay; and to provide for the payment of the salary of said clerk-secretary out of the general funds of the counties comprising the Ninth Judicial Circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. In the Ninth Judicial Circuit there is hereby established the office of clerk-secretary to each of the two circuit judges of the Ninth Judicial Circuit.

Section 2. Each of the two judges of the Ninth Judicial Circuit shall appoint a clerk-secretary who shall serve at the pleasure of the circuit judge making the appointment and who may be removed from office at any time by such circuit judge.

Section 3. Each clerk-secretary shall do all of the clerical and secretarial work required by the circuit judge making the appointment and shall keep such records and perform such other duties pertaining to the office of such circuit judge as such clerk-secretary shall be instructed or required to do by such circuit judge.

Section 4. Each clerk-secretary shall receive a salary in the amount of six thousand dollars (\$6,000) per annum, which shall be payable out of the general funds of the counties comprising the Ninth Judicial Circuit on the following percentage basis: Jackson County forty percent, DeKalb County forty percent and Cherokee County twenty percent.

Section 5. The governing body of each of the said counties comprising the Ninth Judicial Circuit shall by agreement provide for each clerk-secretary office space, equipment and supplies and each such county shall bear this expense on the same percentage basis as the salaries.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 4:55 P.M.

Act No. 677

S. 190—Clark

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the City of Eufaula in Barbour County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the City of Eufaula in Barbour County are hereby altered, rearranged and extended so as to include within the corporate limits of the city, in addition to the area now embraced within the corporate limits of the city, the following described property:

Beginning at the present city limit line on U.S. 431 North, (the North line of Sec. 29, T11N, R29E) thence along U.S. 431 to include an area 500 ft. each side of U.S. 431 to Cowikee Creek and also including the N.W. $\frac{1}{4}$ of the N.E. $\frac{1}{4}$, Sec. 16, T11N, R29E, and the following areas as recorded in the Probate office of Eufaula, Ala.:

Northside Estates Subdivision, Map Book 2, page 19

Level Acres Mobile Estates, Deed Book FF, page 517 Weedon Field Airport being more particularly described as follows: beginning at the point where the South line of Sec. 9, T11N, R29E, intersects the West R/W of U.S. 431; thence West along said Sec. line 1120 ft; thence North 1058 ft; thence North 55 deg. West 1740 ft; thence North 1 deg. 30 min. East 585 ft; thence West along the $\frac{1}{2}$ Sec. line of Sec. 9, T11N, R29E, 1350 ft; thence Northerly 900 ft. more or less; thence East 230 ft. more or less; thence Northerly 750 ft. more or less; thence East 450 ft. more or less; thence South 3 deg. 21 min. East 1900 ft. more or less; thence South 62 deg. East 1404 ft. to the West R/W line of U.S. 431; thence along said R/W in a Southerly direction 1830 ft. more or less to the point of beginning.

Lakepoint State Park:

Beginning at the intersection of the center line of Cowikee Creek and the old River Road; thence along the center of Cowikee Creek in a Southeasterly direction 12,350 ft; thence North 750 ft; thence West 1050 ft; thence North 45 deg. West 700 ft; thence North 375 ft; thence West 250 ft; thence North 825 ft; thence North 30 deg. West 375 ft; thence West 275 ft; thence North 45 deg. West 825 ft; thence West 300 ft; thence North 2500 ft; thence North 89 deg. 6 min. West 883.4 ft; thence North 34 deg. 39 min. East 463.7 ft; thence North 34 deg. 38 min. East 1314.8 ft; thence North 46 deg. 48 min. East 495.1 ft; thence North 58 deg. 51 min. West 990.5 ft;

thence North 46 deg. 3 min. West 1795.2 ft. to the half Sec. line of Sec. 27, T 12 N, R 29 E; thence along said half Sec. line in a Westerly direction 8800 ft. more or less to a permanent reference marker No. 93 in Sec. 28; thence South 1 deg. 17 min. West 200.8 ft; thence South 88 deg. 56 min. West 400 ft; thence South 1 deg. 17 min. West 300 ft; thence South 88 deg. 56 min. West 425 ft; thence South 1 deg. 17 min. West 425 ft; thence South 45 deg. 6 min. West 505.5 ft; thence South 1 deg. 17 min. West 2300 ft. more or less to the center of Cowikee Creek; thence along the center of said creek in a Southeasterly direction 2000 ft. more or less to the point of beginning.

Beginning at the present city limit line, the intersection of the centerline of U.S. 431 North and the Old Creek Town Road, (the North line of Sec. 29, T11N, R29E) thence along said Sec. line in an Easterly direction to include an area 500 ft. North of the Old Creek Town Road to the U.S. Government property line, and also to include the Old Creek Town Park property, being more particularly described as follows:

Beginning at a U.S. Corps of Engineers Permanent Reference Monument No. PRM 21-D, being 2325 ft. North of and 4475 ft. East of the S.W. Corner of Sec. 21; thence North 30 deg. East 749.7 ft. to Monument No. 21-E; thence North 30 deg. East 105 ft. to the center of Reeves Branch; thence along the centerline meanders of the branch in a Southeasterly direction to the intersection of the normal lake pool elevation (elevation 190 ft. M.S.L.) thence along said pool contour line to its intersection with the Government fee simple line at Monument No. 28-M; thence North 56 deg. 7 min. West 1308.5 ft. to Monument No. 28-L; thence North 89 deg. 43 min. West 424.8 ft. to Monument No. 28-K; thence North 3 deg. 3 min. East 349.8 ft. to Monument No. 28-J; thence North 3 deg. 19 min. East 100.2 ft. to Monument No. 21-A; thence North 3 deg. 34 min. East 1774.9 ft. to Monument 21-B; thence South 89 deg. 43 min. East 899.9 ft. to Monument 21-C; thence North 3 deg. 34 min. East 499.9 ft. to the point of beginning, containing 205 acres more or less.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 4:55 P.M.

Act No. 678

S. 191—Clark

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the City of Eufaula in Barbour County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the City of Eufaula in Barbour County are hereby altered, rearranged and extended so as to include within the corporate limits of the city, in addition to the area now embraced within the corporate limits of the city, the following described property:

Beginning at the present city limit on U.S. 431 South (the South line of the North half of the S.E. $\frac{1}{4}$ of Sec. 18 T-10-N, R-29-E) thence South along U.S. 431 to include an area 500 ft. West of U.S. 431 to the U.S. Government property line at Cheneyhatchee Creek and all the area East of U.S. 431 to the U.S. Government property line lying in Sections 16, 17, and 20, T-10-N, R-29-E, Except Lakewood Subdivision which is recorded in the Probate office of Eufaula, Alabama in Map Book 2, page 5.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 4:55 P.M.

Act No. 679

S. 192—Clark

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the City of Eufaula in Barbour County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the City of Eufaula in Barbour County are hereby altered, rearranged and extended so as to include within the corporate limits of the city, in addition to the area now embraced within the corporate limits of the city, the following described property:

Beginning at the present city limit line on the Clayton Highway (the West line of Sec. 18, T10N, R29E) thence west along the Clayton highway to include an area 500 ft. on each side of the Clayton Highway to the Cottonhill Road and to

include all of the following Subdivisions as recorded in the probate office of Eufaula: Mancusso Subdivision, Map Book 2, page 8; Taylor Subdivision, Map Book 1, page 95; Indian Hill Subdivision, Map Book 2, page 19.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 4:55 P.M.

Act No. 680

S. 193—Clark

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the City of Eufaula in Barbour County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the City of Eufaula in Barbour County are hereby altered, rearranged and extended so as to include within the corporate limits of the city, in addition to the area now embraced within the corporate limits of the city, the following described property:

All of Sections 25 and 36, T11N, R28E, All of Sec. 2, T10N, R28E, east of the center line of Barbour Creek. All of Sec. 1, T10N, R28E, North of the center line of Barbour Creek.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 4:55 P.M.

Act No. 681

S. 194—Clark

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the City of Eufaula in Barbour County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the City of Eufaula in Barbour County are hereby altered, re-

arranged and extended so as to include within the corporate limits of the city, in addition to the area now embraced within the corporate limits of the city, the following described property:

Beginning at the present city limit line on U.S. 82 West (the South line of Sec. 20, T11N, R29E) thence West along U.S. 82 to include an area 500 ft. each side of the center line of U.S. 82 to the North line of Sec. 19, T11N, R29E.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 4:55 P.M.

Act No. 682

S. 566—Harris

AN ACT

To provide further for the procedure for redeeming lands sold for taxes in counties having populations of not less than 75,000 nor more than 90,000 according to the most recent federal decennial census; to transfer certain duties of the probate judge of such counties to the tax collector and to relieve the probate judge of such duties; and to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The procedure for the redemption of lands sold for taxes in counties having populations of not less than 75,000 nor more than 90,000 according to the most recent federal decennial census, shall be the same as provided in Code of Alabama 1940, Title 51, Chapter 14, Article 5, as amended, except that all such duties relating to tax sales and the redemption of land from tax sales as are required of and performed by the probate judge of such counties, shall be transferred to and performed by the tax collector, and the probate judge shall be relieved of all such duties.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall take effect on the first day of the month next following the date of its enactment, but it shall not affect proceedings that were begun before such date.

Approved August 30, 1973.

Time: 4:55 P.M.

Act No. 683

S. 610—Harris

AN ACT

To provide further for the procedure for redeeming lands sold for taxes in counties having populations of not less than 75,000 nor more than 90,000 according to the most recent federal decennial census; to transfer certain duties of the probate judge of such counties to the tax collector and to relieve the probate judge of such duties; and to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The procedure for the redemption of lands sold for taxes in counties having populations of not less than 75,000 nor more than 90,000 according to the most recent federal decennial census, shall be the same as provided in Code of Alabama 1940, Title 51, Chapter 14, Article 5, as amended, except that all such duties relating to tax sales and the redemption of land from tax sales as are required of and performed by the probate judge of such counties, shall be transferred to and performed by the tax collector, and the probate judge shall be relieved of all such duties.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall take effect on the first day of the month next following the date of its enactment, but it shall not affect proceedings that were begun before such date.

Approved August 30, 1973.

Time: 5:00 P.M.

Act No. 684

S. 634—Littleton

AN ACT

Relating to counties having a population of not less than 23,934 nor more than 24,460: To regulate further the allowances, fees, deputies, equipment and maintenance of the Sheriff's Department.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in all counties in this state having population of not less than 23,934 nor more than 24,460 according to the most recent federal decennial census.

Section 2. The County Commission or other like Governing Body shall provide compensation for such clerks, assistants, and deputies of the Sheriff's Department in such number as may be necessary for the efficient conduct of his office. The sheriff shall appoint his own deputies, clerks and assistants and shall fix their compensation subject to the approval of the County Commission or other like Governing Body as to number and rate of pay. Provided however, that the salary of the Chief Deputy and other Deputies presently employed shall be increased not less than \$100.00 per month immediately upon this Act becoming law and in no event shall the number of deputies be less than four nor shall the salary of any deputy be less than \$450.00 per month.

Section 3. The Chief Deputy and other Deputy Sheriffs, which shall be paid by the Autauga County Commissioners or other like County Governing Body and shall be paid in equal monthly installments from the County Public Highway and Traffic Fund or the County General Fund as the Court of County Commissioners or other like Governing Body may direct; in equal monthly installments upon warrants drawn on the County Treasury, in the manner prescribed by law.

Section 4. The County Commission or other like Governing Body shall provide the sheriff with all necessary supplies, materials and equipment needed for the efficient enforcement of the laws in the County and for the efficient operation of the Sheriff's Department including motor vehicles, communications equipment and all materials and accessories necessary for their operation.

Section 5. The sheriff and his deputies shall not be entitled to collect or retain any mileage allowances as may be payable according to law for returning or transferring prisoners and insane persons to and from points outside the County while using the vehicle or vehicles furnished by the County.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. All laws or parts of laws which conflict with this Act are hereby repealed, and Act No. 375, H. 933, Regular Session 1969 (Acts 1969, p. 747) is hereby expressly repealed.

Section 8. This Act shall become effective immediately

upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 5:00 P.M.

Act No. 685

S. 678—Shelby

AN ACT

Relating to Counties having populations of not less than 115,000 nor more than 150,000 inhabitants, according to the last or any subsequent federal decennial census; authorizing the County governing body and the governing bodies of Municipalities in such Counties to adopt ordinances which protect the historic architectural character of the County, including designating historic districts, creating certain agencies to regulate and promote the preservation of such districts, which are located or are to be located in the designated historic districts, and adopting other provisions necessary to effect the purposes of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in Counties having populations of not less than 115,000 nor more than 150,000 inhabitants, according to the most recent federal decennial census.

Section 2. Purpose. The purpose of this Act is to promote the educational, cultural, economic, and general welfare of the public and of the County through the preservation and protection of buildings, sites, structures, areas, and districts of historic interest; through the maintenance of such as landmarks in the history of architecture, of the state and of the nation; through the development of appropriate settings for such buildings, sites, structures, areas and districts; and through the benefits resulting to the economy of the County in developing and maintaining its vacation-travel industry through the promotion of these historic associations.

Section 3. The County governing body therein may, upon the recommendation of the County Historical Preservation Authority, designate as historic districts any areas, sites, buildings or structures (including, where appropriate, individual buildings and structures) of the County having an overall atmosphere of architectural and historic distinction and which lie within the limits of the County and outside of any municipality located therein, provided that such areas, sites, buildings or structures appear and be listed upon The State of Alabama Survey of Historic Places Maintained by the Alabama Historic Commission. Any municipal governing body located

in such County may upon the recommendation of the Historical Preservation Authority, designate as historic districts, any areas, sites, buildings or structures (including, where appropriate, individual buildings and structures) having an overall atmosphere of architectural and historic distinction and which lie within the limits of the municipality, provided that such areas, sites, buildings or structures appear and be listed upon the State of Alabama Survey of Historic Places Maintained by the Alabama Historic Commission. A county or municipal government, in deciding whether to establish an area, site, building or structure as an historic district, shall take into account the factors specified in the first sentence of Section 5 (B) of this Act.

Section 4. The County Historical Preservation Authority, hereinafter sometimes called the Authority, with the following membership, duties and powers may be created by the County governing body.

(A) The Authority shall bear the name of the County creating the same and shall be designated as the _____ County Historical Preservation Authority.

(B) Said Authority shall be composed of eleven members; four of whom shall be appointed by the County governing body, four shall be appointed by the governing body of the largest municipality in said County, two shall be appointed by the second largest municipality in the said County, and one shall be appointed by the third largest municipality in said County. Members shall be appointed in such a manner as to serve overlapping terms of four years each, except for the first appointed members. The original appointment of the members of the Authority shall be as follows: The County governing board shall appoint one member for one year, one for two years, one for three years, and one for four years; the governing board of the largest municipality in said County shall appoint one for one year, one for two years, one for three years, and one for four years; the governing board of the second largest municipality in said County shall appoint one for two years, and one for four years; and the governing board of the third largest municipality in said County shall appoint one for three years. All subsequent terms shall be four-year terms of appointment. Vacancies occurring in the Authority, other than by expiration of term of office, shall be filled by appointment by the appropriate governing board, but such appointment shall be for only the unexpired portion of term of the member replaced. It is deemed desirable but not required that the membership of the Authority include at least two architects, one historian qualified in the field, one city planner or landscape architect, and one realtor. The Au-

thority shall elect from its membership a Chairman and a Vice-Chairman who shall serve for terms of one year and who shall be eligible for re-election. The Chairman shall preside over the Authority and shall have the right to vote. In the absence or disability of the Chairman, the Vice-Chairman shall perform the duties of the Chairman. A majority of the members of the Authority shall constitute a quorum, provided however that no application for a permit under Section 5 hereof shall be denied except by the affirmative vote of a majority of the entire Authority.

(C) The Authority shall operate under such by-laws as it shall adopt for the regulation of its business and organization, provided these are consistent with and not contrary to the laws of the State of Alabama. The Authority may adopt such other rules as may be necessary or desirable for the transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record. Meetings shall be held at regular intervals. All meetings of the Authority shall be open to the public. The Authority may employ such persons as it may deem necessary for its work. The board may also contract with architects and other professional and technical consultants for such services as it may require. The expenditures of the Authority, exclusive of gifts or grants, shall be within the amounts appropriated for the purpose by the appropriate governing body, which may provide funds, equipment and accommodations for the Authority's work.

(D) Said Authority shall have the following powers in addition to all other powers conferred on it by this or any other law: (1) to purchase, sell, contract to purchase, contract to sell, own, encumber, lease, mortgage, and insure real and personal property of all kinds and descriptions, including, but not limited to, architectural easements or facade easements designed to preserve the historic and architectural character of the exterior of buildings and structures located in the County; (2) to request, solicit and accept gifts, donations, pledges, fees, bequests, devices, loans or appropriations from any source whatsoever including, but without being limited to, grants or loans from any authorized agency of the State or Federal Government; (3) to set up at such lawful depository or depositories in such Counties as it may select, a "Revolving Fund for Historic Development" which shall be composed of the monies which may come into its hands from any source whatsoever and which shall be used for the furtherance of the objectives and purposes of the Authority; (4) to employ such professional, office, technical and other personnel as may be necessary or desirable for the carrying out in the most efficient manner of the purposes of such Authority; (5) to

conduct a survey of local historic properties; (6) to preserve, restore, maintain and operate historic properties under the ownership, possession, custody, or control of the Authority; (7) to contract with the State or the Federal Government, or any agency of either, or with any other organization or person; (8) to cooperate with the Federal, State and local governments in the pursuance of the objectives of historic preservation; (9) to participate in the conduct of land-use, urban renewal and other planning processes undertaken by the county or by any municipality therein; (10) to make recommendations and otherwise to provide information for the purposes of historic preservation to the county or any municipality therein; (11) to promote and conduct educational and interpretive programs on historic properties within the County; (12) to enter, solely in performance of its official duties and only at reasonable times, upon private lands for examination or survey thereof, provided, however, that no member, employee or agent of the Authority may enter any private building or structure without the express consent of the owner or occupant thereof; (13) to act in accordance with Section 5 hereof; (14) to exercise such further powers as the Authority may deem necessary and fitting to the carrying out of its above-stated purposes.

(F) The Authority shall constitute a non-profit governmental agency whose funds shall be used exclusively for public purposes. The Authority shall have a tax exempt status, and the properties of the Authority and the income therefrom, together with all leases, agreements and contracts made by it, shall be forever exempt from any and all taxation by the State of Alabama and any political subdivision thereof, including, but not limited to, income, admission, amusement, excise, and ad valorem taxes.

Section 5. (A) No building or structure which is or is located within an historic district established under the authority of this Act may be erected, demolished or removed in whole or in part, nor may the exterior architectural character of such a building or structure be altered until after application for a permit has been submitted to the Authority and approved by it.

(B) In passing upon an application for a permit required under subsection (A) of this section, and in making recommendations to governmental authorities under Section 4 of this Act, the Authority shall consider, among other things, the historic, architectural and aesthetic features of such structure, building, area or site, the nature and character of the surrounding area, the use of such structure, building, area or site, and its importance to the county or municipality in

which it is located. In addition to the above factors, when the Authority is requested to issue a permit for new construction in an historic district, it shall consider the general design, the character and appropriateness of design, scale of buildings, arrangement, texture, materials and color of the structure or building in question, and the relation of such elements to similar features of buildings and structures in the immediate surroundings. The Authority shall not consider interior arrangement or interior design; nor shall it make requirements except for the purpose of preventing developments that are not in harmony with the prevailing character of the historic district affected, or that are obviously incongruous with this character. The Authority may refuse a permit for the erection, reconstruction, alteration, demolition, partial demolition, or removal of any building or structure within an historic district that, in the opinion of the Authority, would be detrimental to the interests of the district and against the public interests of the county and of the municipality, if any, in which the district, building or structure is located.

(C) Among other grounds for refusing to issue a permit of the inappropriateness of design, are the following specific defects: Arresting and spectacular effects, violent contrasts of materials or colors and intense or lurid colors, a multiplicity or incongruity of details resulting in a restless and disturbing appearance, the absence of unity and coherence in composition not in consonance with the dignity and character of the present structure or building in the case of repair, remodeling or enlargement of an existing building or with the prevailing character of the neighborhood in the case of a new building.

(D) In case of disapproval of an application for a permit, the Authority shall state the reasons therefor in a written statement to the applicant and may give verbal advice and illustrative drawings to the applicant and make recommendations in regard to appropriateness of design, arrangement, texture, material, color and the like of the property involved.

Section 6. Prior to the making of any recommendation by the Authority to a governmental authority for the establishment of an historic district, and prior to any determination with respect to an application for a permit to demolish any building or structure, in whole or in part, that is or is located within an historic district, the Authority shall hold a public hearing upon the issue. At least three (3) days' notice of the time and place of each such hearing shall be given by the chairman of the Authority by publication in the form of an advertisement in a newspaper of general circulation within the county and in writing to the applicant.

Section 7. Any person aggrieved by a determination or ruling of the Authority may appeal, within thirty (30) days of such ruling, as follows:

(A) to the board of adjustment of the municipality in which the area, site, building or structure is located, if the area, site, building or structure in question is located within a municipality having a board of adjustment established pursuant to Title 37, Chapter 16, Article 2, Section 781, Code of Alabama, as now constituted and as the same may be amended.

(B) to the circuit court or court of like jurisdiction, sitting in the county, in all other cases.

Section 8. The circuit court or court of like jurisdiction sitting in the county shall have jurisdiction to enforce the provisions of this act and the rulings and determinations issued thereunder and may restrain by injunction violations thereof.

Section 9. The County governing body, and any municipality therein, may adopt such other resolution or ordinances and appropriate such sums of money as the governing bodies may deem necessary to effect the purposes of this Act.

Section 10. In case any section, paragraph or part of this Act be for any reason declared invalid or held unconstitutional by any court of last resort, every other section, paragraph or part shall continue in full force and effect.

Section 11. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 5:00 P.M.

Act No. 686

S. 772—Dozier

AN ACT

Relating to any county having a population of not less than 24,900 nor more than 25,150 according to the most recent federal decennial census; to authorize the county governing body to provide an expense allowance for the deputy tax assessor, the deputy tax collector and the deputy circuit clerk of such county.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of any county having a population of not less than 24,900 nor more than 25,150 ac-

cording to the most recent federal decennial census shall have the discretionary authority to provide the deputy tax assessor, the deputy tax collector, and the deputy circuit clerk an annual expense allowance not to exceed \$1,200 to be paid in equal monthly installments from the general fund of the county; such expense allowance to be in addition to any other expense allowance or salary provided.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 5:00 P.M.

Act No. 687

S. 773—Dozier

AN ACT

To further regulate the clerk hire allowance of the tax assessor and tax collector in all counties having populations of not less than 24,900 nor more than 25,150 according to the most recent federal decennial census; to repeal Act No. 1051, H. 1420, Regular Session 1971 (Acts 1971, p. 1900).

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply to all counties having populations of not less than 24,900 nor more than 25,150 according to the most recent federal decennial census.

Section 2. The governing body of all such counties shall have the discretionary authority to provide both the tax assessor and the tax collector of said counties a clerk hire allowance not to exceed \$3,000.00 per annum, said sum to be paid from the general fund of said counties.

Section 3. Act No. 1051, H. 1420, Regular Session 1971 (Acts 1971, p. 1900), relating to clerk hire allowance for the tax assessor and collector of such counties, is hereby expressly repealed and all other laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 5:00 P.M.

Act No. 688

S. 789—Fine

AN ACT

To amend Act No. 487, S. 919, Regular Session 1971, relating to all counties having a population of not less than 23,900 nor more than 24,450 according to the last or any subsequent federal decennial census, further providing for an expense allowance for members of the county board of education.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 487, S. 919, Regular Session 1971 (Acts 1971, p. 1203) is hereby amended to read as follows:

"Section 1. In all counties having populations of not less than 23,900 nor more than 24,450 according to the most recent federal decennial census, the members of the county board of education shall each be entitled to expenses in the amount of \$50.00 per month. Such allowance shall be in addition to all other allowances for expenses heretofore provided for by law and shall be payable from the public school funds of the county at the end of each month."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 5:00 P.M.

Act No. 689

S. 790—Malone

AN ACT

Relating to counties having a population of not less than 90,000 nor more than 100,000 according to the most recent federal decennial census; setting the compensation of supernumerary probate judges and providing for a supplement from the general funds of such counties under certain circumstances.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in counties having a population of not less than 90,000 nor more than 100,000 according to the most recent federal decennial census.

Section 2. Persons who have served as probate judges in such counties and who are in all manner and respects entitled to status as supernumerary probate judges under the general law of the state and who have elected to become supernumerary

probate judges pursuant to such general law shall be entitled to receive total compensation in such amounts as shall be set from time to time for supernumerary circuit judges. Each such supernumerary probate judge shall be paid as a supplement from the general funds of the county in addition to all sums received from state funds such funds, if any, as shall be necessary so that his total compensation for services as a supernumerary probate judge shall be in amount equal to that received by persons who have elected to become supernumerary circuit judges under the general law of the state.

Section 3. All laws or parts of laws in conflict herewith are repealed.

Section 4. Should any part of this Act be declared unconstitutional, the part which remains shall not be affected.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 5:00 P.M.

Act No. 690

S. 792—Melton

AN ACT

Relating to Conecuh County; to provide further for deputies for the sheriff.

Be It Enacted by the Legislature of Alabama:

Section 1. In lieu of any and all other deputies provided for by law the sheriff of Conecuh County shall be entitled to employ a chief deputy who shall be paid out of the proceeds of Public Highway and Traffic Fund and any other fund as authorized by the county commission, and one regular deputy who shall be paid for in accordance with existing law.

Section 2. The county commission may authorize such additional deputies as it deems necessary.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 5:00 P.M.

Act No. 691

S. 793—Melton

AN ACT

To provide for additional clerical assistance and an additional clerk hire allowance for the office of judge of probate of Conecuh County.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of Conecuh County is authorized to provide an additional clerk hire allowance of \$300.00 per month to the county judge of probate to be used for clerical assistance in the office of the judge of probate. This clerk hire allowance shall be payable out of the general fund of the county and shall be in addition to any other allowance for clerical assistance now provided.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 5:00 P.M.

Act No. 692

S. 798—Malone

AN ACT

To amend Sections 2 and 3 of Act No. 1126, S. 378, Regular Session 1969 (Acts 1969, p. 2084) so as to provide for the designation of State Planning and Development Districts and the establishment of Regional Planning and Development Commissions in counties having a population between 93,000 and 100,000 persons, according to the most recent federal decennial census; and further defines the duties and authority of regional planning commissions in said counties.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 2 and 3 of Act No. 1126, S. 378, Regular Session 1969 (Acts 1969, p. 2084) are hereby amended to read as follows:

“Section 2.

“(a) The Governor may, from time to time, as he deems appropriate and necessary, define and designate a state planning and development district by Executive Order. The Governor shall, within twelve months of the effective date of this Act define and designate state planning and development districts embracing all territory within the state.

“(b) In defining boundaries of state planning and development districts, the Governor shall consult with the governmental units concerned and shall consider such factors as community of interest and homogeneity; geographic features and natural boundaries; patterns of communication and transportation; patterns of urban development; total population and population density; similarity of social and economic problems; boundaries of existing regional planning commissions and councils of government; existing state functional planning areas; and utility of proposed boundaries for provision of governmental services. Districts should be as large as practicable consistent with the above factors and except as hereinafter provided shall include at least three contiguous counties and contain a population of at least 100,000. No county shall be divided in forming a district.

“(c) The Governor may change boundaries of districts as required to reflect changing conditions or otherwise to fulfill the purposes of this Act, observing the criteria and procedures stated in subsection (b), of this section.

“(d) Provided, however, that the Governor may define and designate single county state planning and development districts within any county having a population between 93,000 and 100,000 persons according to the most recent federal decennial census.

“Section 3. Formation of Regional Planning and Development Commissions.

“(a) At any time subsequent to the designation of a state planning and development district pursuant to Section 2 of this Act, governmental units within the district, acting through their governing bodies by ordinance or resolution, may adopt a written agreement for the formation of a regional planning and development commission and may petition the Governor to certify such a commission for a region located entirely within a state planning and development district and consisting of at least three contiguous counties and containing a population of at least 100,000. Governmental units so petitioning must represent at least a majority of the population within the proposed region. No county shall be divided in forming a region. The Governor may, after consultation with the governing bodies of the governmental units involved, amend petitions to include additional counties to assure that the objectives of this Act are furthered and that no county or city will be precluded from participation in a regional planning and development commission.

“(b) In case two or more governmental units determine that the geographical area embraced by such units, although

not meeting the minimum criteria prescribed in subsection (a) above, is logically, for planning and development purposes, a part of a larger area which extends into an adjoining state, or states, such governmental units may adopt an agreement for the formation of a regional planning and development commission and may petition the Governor to certify such commission for the proposed region. The Governor may, after consultation with the governmental units which are parties to the petition and after approval by him of an appropriate interstate agreement or compact, certify the commission. In such case the Governor may authorize such deviations from the minimum requirements for area and population prescribed in Sections 2 and 3, and the requirements for composition of the commission prescribed in Section 4 of this Act as may be necessary to conform to the interstate agreement or compact. No county shall be divided in applying the provisions of this Section.

“(c) Regional Planning and Development Commissions may be formed in any county having a population between 93,000 and 100,000 persons according to the most recent federal decennial census, in the same manner as in any other state planning and development district, provided however that the requirements for the formation of such districts and commissions with respect to the population and numbers of contiguous counties shall not be applicable to districts and commissions formed pursuant to this Act. Regional Planning and Development Commissions so formed may function in conjunction with contiguous regional planning and development commissions with respect to any project, plan, program or other activity which by necessity crosses county or state planning and development district boundary lines.”

Section 2. The establishment and operation of any State Planning and Development District or Regional Planning Commission designated or formed pursuant to this Act shall not be affected by any subsequent changes in population, so long as the county comprising such district and in which such commission is located met the requirements hereof at the time such district was designated or such commission was formed.

Section 3. Commissions formed pursuant to this Act shall have the authority to enter into joint planning agreements, contracts, or programs with adjacent counties, municipalities situated in adjacent counties or adjacent Regional Planning and Development Commissions. If the Governor should determine that it is desirable to change the boundaries of regional planning and development districts which have been defined and designated pursuant to this Act to include an adjacent county, or counties within such district or districts, he shall

have the authority to do so in the manner and form set forth in Section 2 of Act No. 1126 of the 1969 Regular Session of the Alabama Legislature, provided however that the criteria or requirements set forth in sub paragraph (b) thereof with respect to population and numbers of contiguous counties shall not apply to district designated by the Governor under the authority of this Act, nor to any change in the boundaries of such district which the Governor may find to be desirable as provided in sub paragraph 3 of Section 2 of Act No. 1126 of the 1969 Regular Session of the Alabama Legislature.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 5:00 P.M.

Act No. 693

S. 815—Melton

AN ACT

Relating to Wilcox County; authorizing the county commission of said county to provide data processing, computerized services or other electronic systems, including microfilming equipment, for the offices of the probate judge, tax assessor and the tax collector; to provide for the manner of procuring such services and equipment and for the payment therefor from the county general fund; to provide that all contracts made pursuant to the provisions of this act shall be exempt from any applicable statewide or local competitive bid law and shall be subject to the recommendation and approval of the probate judge of said county.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commission of Wilcox County is hereby authorized to enter into contract for the purchase, lease or contractual services for providing data processing, computerized services or other modern or updated electronic based systems for bookkeeping, recording, indexing and filing of all documents, instruments and writings that are of record in the office of the probate judge, tax assessor and tax collector of said county. Said commission may provide for the microfilming of all records, documents, files, papers of other writings which are required by law to be recorded in the office of the probate judge, tax assessor or tax collector and for such projective and reading equipment as may be necessary. Such microfilms or prints therefrom when duly authenticated by the said probate judge, tax assessor or tax collector, as the case may be, shall have the same force and effect at law as the original record or of copies thereof when made by any

other legally authorized means, and may be offered in like manner, and shall be received in evidence in any court where such original record or copy thereof made by other legally authorized means, could have been received in court.

Section 2. The county commission shall provide for the services, equipment and supplies necessary to implement the provisions of Section 1 of this act by either lease or outright purchase or by contractual services, whichever in the discretion of the county commission is deemed to be in the best interest of the county. The probate judge of said county shall be authorized to select the type of services to be used and to recommend and approve all contracts therefor. Because of the specialized nature of such services, all contracts therefor may be made without regard to any applicable statewide or local competitive bid law.

Section 3. All funds necessary and incidental for the implementation of this act shall be paid out of the general fund of Wilcox County.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 5:00 P.M.

Act No. 694

S. 818—Lindsey

AN ACT

To regulate the compensation of members of the county board of education in all counties having populations of not less than 16,350 nor more than 16,650, and to validate, ratify and confirm all expenditures of funds heretofore paid to members of any county board of education operating in said county prior to the effective date of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. The members of the county board of education in all counties having populations of not less than 16,350 nor more than 16,650, according to the most recent federal decennial census, shall each receive as compensation for their

services, from the public school funds of the county, twenty dollars (\$20) a day and their actual traveling and hotel expenses incurred in attending meetings and transacting the business of the board. Their pay and expenses shall be paid in like manner as provided for the payment of compensation of teachers.

Section 2. Members of the board shall not be allowed pay for more than twenty-four days in any one year, nor shall any member of the board receive pay for any day on which he does not attend a meeting of the board or transact other business of the board.

Section 3. All expenditures of funds heretofore paid to members of the present county board of education or any pre-existing county board of education operating in any county to which this act now applies prior to the effective date of this act, are hereby validated, ratified and confirmed.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are repealed.

Section 6. This act shall become effective as to all members of the board immediately upon the expiration of the term or terms of office of the member or members whose term or terms first expire.

Approved August 30, 1973.

Time: 5:00 P.M.

Act No. 695

S. 820—Lindsey

AN ACT

Applicable to Choctaw County; providing foreign medical graduates an alternative method by which to become certified to practice medicine within Choctaw County.

Be It Enacted by the Legislature of Alabama:

Section 1. Any foreign medical graduate residing within this state and wishing to practice medicine as a licensed physician in Choctaw County, who has met all other requirements with the exception of the Educational Counsel for Foreign Medical Graduates (ECFMG), now required by the State Board of Medical Examiners, shall have two alternate means by which to obtain a certificate. Such means shall be as follows:

(a) Said graduate may apply for and take the Federation Licensing Examination (FLEX), sponsored by the Federation of State Medical Boards of the United States. Upon making such application to the State Board of Medical Examiners, the said State Board of Medical Examiners must grant the application to said applicant. If the graduate scores a grade consistent with the requirement of the Licensing Board of the Federation of State Medical Boards of the United States, then he must be licensed to practice medicine in this State.

(b) Said graduates may take the test known as the Educational Counsel for Foreign Medical Graduates (ECFMG) and if a passing score is achieved, then he must be allowed to take the Federation Licensing Examination as provided in subsection (a) above. No rules or regulations promulgated by the State Medical Association or any of its subdivisions shall prevent such foreign graduates from selecting the above stated alternative he deems to be in his best interest.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 5:00 P.M.

Act No. 696

S. 821—Lindsey

AN ACT

To repeal Act No. 197, H. 525, Regular Session 1959 (Acts 1959, p. 732) entitled, "An Act to regulate the compensation of members of the county board of education in counties having a population of not less than 19,000 nor more than 19,300 inhabitants according to the 1950 federal decennial census."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 197, H. 525, Regular Session 1959 (Acts 1959, p. 732) entitled, "An Act to regulate the compensation of members of the county board of education in counties having a population of not less than 19,000 nor more than 19,300 inhabitants according to the 1950 federal decennial census," is hereby expressly repealed.

Section 2. This act shall become effective immediately

upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 5:00 P.M.

Act No. 697

S. 827—Register

AN ACT

Relating to the minimum compensation of deputy sheriffs in Dale County.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commission of Dale County shall provide for the compensation of all deputy sheriffs employed by the sheriff of Dale County. Such compensation shall be paid by the county out of any funds in the county treasury not otherwise appropriated. The compensation of the deputy sheriffs shall be set at a figure not less than \$5,000 per year. The salary of the deputy sheriffs may exceed the \$5,000, at the discretion of the Dale County Commission.

Section 2. All laws or parts of laws which conflict with this Act, whether general, special or local, are hereby repealed and this Act shall be the sole basis for compensation of deputy sheriffs in Dale County, provided however, that the provisions of this Act shall not abrogate any statute providing for expense allowances of deputy sheriffs in Dale County.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 5:00 P.M.

Act No. 698

S. 829—Register

AN ACT

To provide for a personnel appeals board for Dale County; to prescribe the qualifications, terms, duties, and compensation of its

members; and to provide rules relating to political activities by employees of said county.

Be It Enacted by the Legislature of Alabama:

Section 1. There shall be established a personnel appeals board for Dale County.

Section 2. For all the purposes of this Act the following words and phrases shall have the following meanings:

“Personnel appeals board” hereinafter called the board, shall mean the board created by this Act.

“County” shall mean Dale County.

“Employee” shall mean any person regularly employed by any such county in a job or position.

“County commission” shall mean the existing county governing body of any county to which this Act applies or any such succeeding county governing body for such county.

Section 3. The board of appeals, created pursuant to this Act, shall by rule specify the employees and personnel of the county who shall be subject to the provisions of this Act and also those who are exempt from it; and such board shall see that a copy of such rule or rules is always posted in a conspicuous place at the courthouse of the county and a copy thereof kept at the office of the board for public inspection.

Section 4. No person to whom this Act applies, shall be appointed or promoted to, or demoted or dismissed from any job or position with the county, or in any way favored or discriminated against with respect to his employment because of his political or religious opinions or affiliations. No person shall use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated to secure employment, promotion, increase in pay or any other advantages in employment with the county for the purpose of influencing the vote or political action of any person or for any consideration. No employee of the county shall, directly or indirectly, pay or promise to pay any assessment for any political organization or purpose, or solicit or take any part in soliciting any such assessment, and no person shall solicit any such assessment of such employee of the county. No such employee shall be a member of any national, state, or local committee of a political party, or an officer of a partisan political club, or a candidate for nomination or election to any public office, or shall take any part in the management or affairs of any political party or in any political campaign, except to exercise his right as a citizen privately to express his opinion and to cast his vote.

Provided, however, nothing in this Act shall prohibit any person employed by the county from serving out the term of a party office for which he had been elected at the time this Act becomes effective. Any employee of the county to whom this Act applies who violates the provisions of this section shall forfeit his position.

Section 5. Any employee who, for any cause, has been dismissed, suspended, demoted or whose pay has been reduced, may, not less than 7 days and not more than 14 days thereafter, apply to the personnel appeals board of the county for a hearing on the charges made against him leading to such disciplinary action, by filing a written petition, sworn to by proper affidavit, and addressed to the personnel appeals board, with the clerk of said board. Upon the filing of such a petition the chairman of the personnel appeals board shall fix a date not less than 7 nor more than 21 days thereafter for the hearing of said petition. Upon the hearing of said petition the board shall receive all evidence in support of the disciplinary action heretofore mentioned and any evidence offered by such employee against such disciplinary action or in support of his petition for leniency under the circumstances. Said Board shall render a written decision covering the issue involved not later than 7 days following the conclusion of the hearing. The decision of the board may uphold the disciplinary action or the board may modify such action in any manner it deems to be just and proper, including the full reinstatement of the petitioning employee with all pay and allowances from the date of the imposition of discipline.

Section 6. The personnel appeals board shall designate a clerk of said board. The person designated as the clerk may be an employee of the county in some other capacity. The county governing body of any county to which this Act applies is authorized to employ and to provide for the compensation of such additional clerks to assist the said clerk as it may deem necessary for the administration of this Act.

Section 7. The personnel appeals board of any county to which this Act applies shall be composed of five members. One member shall be appointed by the county commission, one by the judge or the presiding judge if there are more than one judge in the circuit in which such county lies, one by the judge of any statutory inferior court in such county, if there is such court in the county, one by the judge of probate, and one shall be elected by the county employees who will be subject to the provisions of this Act. One of the members originally so appointed shall serve for a term of two years, one for a term of three years, one for a term of four years, one for a term of five years

and one for a term of six years. The original members of the board so appointed shall draw lots to determine the length of term each shall serve. Thereafter all members shall serve for terms of six years each, and until their respective successors are appointed as specified above. Any member of the board whose term shall expire shall be eligible for reappointment.

No person shall be appointed to the personnel appeals board unless he is of recognized good character and ability, and is an actual resident in and qualified elector of the county. No person shall be eligible to appointment or shall continue to be a member of a board created under this Act who holds an elective office under the state, county, or any city therein, or who is a candidate for elective office. Vacancies on the board shall be filled for the unexpired terms in the same manner as original appointments are made. The board shall elect a chairman from among its members, who shall preside at its meetings. Three members shall constitute a quorum for the transaction of any business which may properly come before the board. Each person so appointed shall, within fifteen days after appointment, qualify by making oath that he will faithfully execute the duties of office to the best of his ability and knowledge, which oath shall be recorded as provided by law. The board shall adopt reasonable rules regulating the procedure of the board. Notice of all meetings of the board shall be given to each member by the clerk of the board.

Section 8. The personnel appeals board shall meet on the call of the chairman or upon call of three members of said board. Such meetings shall be held in the county courthouse in an office which the county commission shall provide. Each member of the personnel appeals board shall be entitled to receive ten dollars for each day actually served in transacting the business of the board. Such compensation shall be payable from such funds as the county commission prescribes.

Section 9. The personnel appeals board shall prescribe in writing such rules and policies as are necessary for the administration of this Act. Such rules and policies shall specifically designate, among other things, the chain of command and to whom each employee is directly responsible.

Section 10. The personnel appeals board may at its discretion contract with the personnel board of the State of Alabama or any other organization to perform such studies of wages, job descriptions and other studies necessary for the performance of the board's duties. The cost of such studies will be paid from such funds in the county treasury as the county commission designates; and the payment of all such costs shall be subject to approval of the county commission.

Section 11. The personnel appeals board will review the administration of this Act and prior to the first day of each regular legislative session report to the county's legislative delegation and to the county commission suggesting any needed revisions of this Act.

Section 12. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 13. All laws or parts of laws which conflict with this Act are repealed.

Section 14. This Act shall become effective January 1, 1974.

Approved August 30, 1973.

Time: 5:00 P.M.

Act No. 699

H. 742—Perloff

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the City of Saraland, in Mobile County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the City of Saraland in Mobile County, Alabama are hereby altered, rearranged and extended so as to include within the corporate limits of said city, in addition to the lands now included, all of the following territory, to wit:

Beginning at the Southeast corner of Section 31, Township 2 South, Range 1 West; thence north along a line a distance of 1108 feet, more or less, to a point on the south line of Alvarez's Fifth Addition, said point being 225.5 feet from the southeast corner of said subdivision and also being located on the existing Corporate Limit line; thence west along the south line of Alvarez's Fifth Addition a distance of 494.50 feet to the southwest corner of said subdivision; thence north along the west line of Alvarez's Fifth Addition a distance of 1536 feet, more or less, to a point in the center of Bayou Sara Creek said point also being the northwest corner of said subdivision; thence southwestwardly along the meanderings of the center-line of Bayou Sara Creek a distance of 1,000 feet, more or less, to a point which lies 2957 feet, more or less, south and 1637 feet, more or less, west of the northeast corner of Section 31; thence north along a line a distance of 2880 feet, more

or less, to a point on the southwest right of way line of Celeste Road; thence northwest along said right of way line a distance of 33.8 feet to a point formed by the intersection of the southwest right of way line of Celeste Road and the south right of way line of LaFitte Drive; thence west along the south right of way line of La Fitte Drive a distance of 994.7 feet to a point on said right of way line; thence south a distance of 2657 feet more or less to a point; thence west a distance of 551.6 feet to a point; thence south a distance of 2640 feet, more or less to a point on the south line of Section 31, said point also lying on the centerline of the Old C.C. Road; thence east along the south line of Section 31 and the centerline of the Old C.C. Road a distance of 3013 feet, more or less, to the point of beginning. Herein described property being situated in Section 31, Township 2 South, Range 1 West, Mobile County, Alabama and containing approximately 230 acres.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 5:00 P.M.

Act No. 700

H. 744—Perloff

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the City of Saraland, in Mobile County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the City of Saraland in Mobile County, Alabama are hereby altered, rearranged and extended so as to include within the corporate limits of said city, in addition to the lands now included, all of the following territory, to wit:

Beginning at the northwest corner of fractional Section 33, Township 2 South, Range 1 West; thence east along the north line of fractional Section 33 a distance of 210.5 feet to the southwest corner of regular Section 28, Township 2 South, Range 1 West; thence north along the west line of Section 28 a distance of 2640 feet, more or less, to the northwest corner of the southwest one quarter of Section 28; thence east along

the north line of the southwest and southeast one quarters of Section 28 a distance of 3415 feet, more or less, to a point formed by the intersection of said north line and the west right of way line of Interstate Highway 65; thence southwest along the west right of way line of Interstate Highway 65 a distance of 5050 feet, more or less, to a point formed by the intersection of said right of way line and centerline of Bayou Sara Creek, said centerline also being the existing Corporate Limit line of the City of Saraland; thence westwardly along the meanderings of the centerline of Bayou Sara Creek and existing Corporate Limit line a distance of 1800 feet, more or less, to a point formed by the intersection of said line and the west line of fractional Section 33, Township 2 South, Range 1 West; thence northerly along the west line of fractional Section 33 a distance of 1574 feet, more or less, to the point of beginning of description. Herein described property being located in Section 28 and fractional Section 33, Township 2 South, Range 1 West, Mobile County, Alabama and containing approximately 181 acres.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 5:10 P.M.

Act No. 701

H. 773—Timmons, Falkenburg, Dill, Doss,
Hughes, McBride

AN ACT

To authorize county and municipal governments of counties with a population of more than 600,000 to enter into contract providing for the Sheriff to furnish police protection within a municipality of the county on a contract basis. To further authorize municipalities entering into such a contract police agreement to pay over to the county treasury monies sufficient to reimburse the county treasurer for expenditures necessary to provide contract policing.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply in all counties having a population of 600,000 or more, according to the last or any subsequent federal census.

Section 2. On and after the effective date of this act, all

municipalities within a county having a population of 600,000 or more according to the last or any subsequent federal census are hereby authorized to enter into a contract with any municipality within the county for contract policing, said contract policing to be furnished by the Sheriff of the county.

Section 3. Any municipality entering into a contract with the county for contract policing shall be authorized to pay over to the county treasury a sum sufficient to provide the necessary manpower and equipment as deemed necessary by the municipal governing body and the Sheriff of the county jointly.

Section 4. The county governing body is hereby authorized to receive from the municipalities within the county monies earmarked for contract policing and to expend said monies only for police services in the contracting municipality.

Section 5. Each contract between the county governing body and the contracting municipality must be with the consent and approval of the sheriff of the county.

Section 6. All laws or parts of law in conflict with this act be and the same are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 5:10 P.M.

Act No. 702

H. 855—Gafford, Doss, McMillan, Timmons, Hughes, Dill, Meeks, Erdreich, McNair, Boutwell, Weeks, Waggoner, Falkenburg, Ellis, Wallace, McBride, Boles, Bowers

AN ACT

To further amend Act No. 768, H. 566, Regular Session 1967, (Acts 1967, p. 1624) which relates to compensation of election officers in counties which have a population in excess of 500,000, according to the most recent federal decennial census, by awarding additional compensation to any person acting as chief inspector, assistant chief inspector, or clerk.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 768, H. 566, Regular Session 1967, (Acts 1967, p. 1624) is hereby further amended to read as follows:

"Section 1. This act shall apply only in counties of the State of Alabama which now have, or which may hereafter have, a population in excess of 500,000, according to the last or any subsequent federal decennial census. In all general, municipal, special, and primary elections, the compensation of the election officers shall be as follows: The chief inspector shall be paid \$30.00 plus mileage. Any person performing the duties of returning officer for such polling place shall receive \$25.00 in addition to any compensation for other duties. The assistant chief inspector shall be paid \$25.00. Each clerk shall be paid \$20.00 per day. Provided, however, that in municipal elections where paper ballots are used exclusively, the provisions of law applicable to the use of paper ballots shall apply as to the amount which each election official in such voting centers or box shall be paid. To receive returning fee allowed in this act the election official must present an affidavit indicating that he has attended an election procedure school since the last election.

"In all city and municipal elections, primary elections or otherwise, held on the same day and time of any state and county elections, the election officials shall be paid by said municipality one-half of the per diem herein provided, as though an independent election were held at a different date and time. The compensation of the election officials shall be in addition to the cost and expenses of rental and the use of voting machines by said municipality. Otherwise, two or more elections held county wide on the same date and time shall be considered, for the purposes of this act, to be held as one election."

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 5:10 P.M.

Act No. 703

H. 932—St. John, Drake

AN ACT

Relating to all counties having a population of not less than 50,000 nor more than 52,500, according to the most recent federal census; to provide that cosmetology students may work in beauty shops under the supervision and control of licensed cosmetologists.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than 50,000 nor more than 52,500, according to the most recent federal decennial census, no general, special or local law of this State shall prevent any cosmetology student from working in any beauty shop so long as such student performs his work or duties strictly under the supervision of a licensed cosmetologist and does not hold herself out to the public to be other than a student or trainee.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 5:10 P.M.

Act No. 704

H. 996—Hearn, Lutz, King, Hale, Grainger

AN ACT

To further amend Title 13, Section 187, Code of Alabama 1940, as amended, which provides for the appointment, compensation and duties of circuit court bailiffs, so as to provide for counties having a population of not less than 175,000 and not more than 300,000, according to the most recent federal decennial census, with three or more circuit judges, to increase the compensation of bailiffs without a law degree and to establish a rate of compensation for bailiffs with law degrees.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 187, Title 13, Code of Alabama 1940, as amended, is further amended to read as follows:

“Section 187. In circuits composed of two counties, one of which has two courthouses for holding court, and only one circuit judge, said judge shall have the power and authority, with the approval of the governing body of such county, to appoint one bailiff in the county having two courthouses, who shall receive a salary to be fixed by the presiding judge at a sum not to exceed four thousand dollars a year, to be also approved by the governing body of such county to

be paid monthly out of the treasury of said county as other salaries are paid, said bailiff to serve the circuit and county courts at all sessions, and if requested to do so by the sheriff, to serve the sheriff of the county when not engaged in court. In circuits composed of one county having two circuit judges, each judge shall have the power and authority to appoint one bailiff who shall receive a salary, to be fixed by the presiding judge at a sum not to exceed four thousand dollars per annum, which salary shall be payable in twelve monthly installments out of the treasury of the county composing such circuit, upon warrant of the president of the board of revenue. Provided however, in circuits composed of one county, having two circuit judges and a county population of not less than 55,500 nor more than 56,500 according to the 1970 or any subsequent federal decennial census, each judge shall have the power and authority to appoint one bailiff who shall be paid ten (\$10.00) a day for every day he serves. Such compensation is to be paid out of the county treasury on the certificate of the judge, showing that his service was necessary. In circuits composed of one county having three or more circuit judges, each judge shall have the power and authority to appoint one bailiff who shall receive a salary of seven thousand dollars per annum, payable in equal installments, out of the treasury of the county constituting such circuit, upon warrant of the president or chairman of the board of revenue or of the governing body of the county. Each bailiff so appointed shall hold office at the will and pleasure of the officer so appointing him, except in circuits composed of one county having a population of not less than 175,000 and not more than 300,000, according to the most recent federal decennial census, with three or more circuit judges. In these excepted counties, each judge shall have the power and authority to appoint one bailiff. The annual salary of such bailiff shall be as follows: those with a law degree shall be paid \$10,000 per annum; all others shall be paid \$8,200 per annum. All bailiffs in these circuits will be subject to the rules and regulations of the personnel board of such counties. Each such bailiff appointed to serve in counties having three circuit judges shall, in addition to the duties now imposed upon him, be required to wait upon all grand juries while in session, when directed by the judge so appointing him. The bailiffs appointed by the judges or by the sheriff under this section shall be in lieu of said courts provided for under the preceding section. Nothing in this section or in the preceding section shall apply to circuits having more than fifteen judges."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 5:10 P.M.

Act No. 705

H. 1047—McBride

AN ACT

To increase the Director's fees of Boards operating public utility corporations in municipalities having a population of not less than 5,070, nor more than 5,150.

Be It Enacted by the Legislature of Alabama:

Section 1. In all municipalities having a population of not less than 5,070, nor more than 5,150, according to the most recent federal decennial census, each member, excluding the chairman, of the Board of Directors of a public corporation organized under the provisions of Code of Alabama 1940, Title 37, Section 394 - 402, as amended, who is not an officer of said municipalities, shall be paid a Director's fee in an amount not exceeding \$50.00 each month. The chairman of the Board of Directors of said public corporation, who is not an officer of said municipalities, shall be paid a Director's fee in an amount not exceeding \$60.00 each month.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 5:10 P.M.

Act No. 706

H. 1310—Kinsey, Benton

AN ACT

Relating to all counties having a population of not less than 57,000 nor more than 61,000 according to the last or any subsequent federal decennial census, exempting volunteer fire departments from the operation of the state sales and use taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. All fire-fighting equipment and supplies purchased by volunteer fire-fighting units in any county having

a population of not less than 57,000 nor more than 61,000 according to the last or any subsequent federal decennial census shall be exempted from the computation of the tax on the gross proceeds of all sales levied, assessed, or payable under the provisions of the state sales tax law levied under Act No. 100, H. 94, Second Special Session 1959 (Acts 1959, p. 298), as amended; and such organization, its departments and agencies shall likewise be exempted from the payment of the state use tax levied under Article 11, Chapter 20, Title 51, Code of Alabama 1940, as amended.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 5:10 P.M.

Act No. 707

H. 1354—Drake, St. John, McDonald

AN ACT

To authorize the governing body of Cullman County to provide for all help and equipment in the offices of the several officers in that county.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of Cullman County is required, authorized and empowered to provide sufficient equipment, clerks, deputies, or other assistants, and any other allowances for the several county officers in Cullman County, but the individual officer shall select, discharge, and fix the compensation of such clerks, deputies and assistants as may serve in his respective office, but the combined salaries or compensation of such clerks, deputies and assistants selected by him shall not exceed such sum as the county governing body of Cullman County shall allow therefor.

Section 2. This Act shall not authorize, empower, nor require the governing body of Cullman County to provide equipment, clerks, deputies, assistants, or any other allowances for the sheriff's office in Cullman County, nor shall any provision of this Act apply to the sheriff's office of Cullman County.

Section 3. This Act shall become effective immediately

upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 5:10 P.M.

Act No. 703

H. 1412—Drake, McDonald, St. John

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the City of Cullman in Cullman County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the City of Cullman in Cullman County are hereby altered, rearranged and extended so as to include within the corporate limits of the city, in addition to the area now embraced within the corporate limits of the city, the following territory:

Part of SW $\frac{1}{4}$ of NW $\frac{1}{4}$ and all of the SE $\frac{1}{4}$ of NW $\frac{1}{4}$ and all of the SW $\frac{1}{4}$ of Section 27-10-3W and also, part of the S $\frac{1}{2}$ of SE $\frac{1}{4}$ and part of NE $\frac{1}{4}$ and part of SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 28-10-3W, Cullman County, Alabama, described as follows: Begin at the SE corner of Section 28-10-3W; thence N89° 44' 42" W along said Section line a distance of 1574.10 feet; to the east right-of-way of Alabama Highway Number 69; thence N29° 36' 37" E along said right-of-way a distance of 1913.10 feet; thence in a NE direction along a curve having a radius of 11081.71 feet a distance of 1827.91 feet; thence continue along said right-of-way N20° 09' 45" E a distance of 727.13 feet; to the North line of the SW $\frac{1}{4}$ of NW $\frac{1}{4}$; thence N89° 10' 45" E along said $\frac{1}{4}$ mile line a distance of 2255.02 feet; to the $\frac{1}{2}$ mile line; thence S0° 24' 45" E along said $\frac{1}{2}$ mile line a distance of 3991.77 feet; to the south line of Section 27-10-3W; thence S89° 29' 19" W along said line a distance of 2650.32 feet; to the SE corner of Section 28-10-3W the point of beginning. Also, the following described tract. Beginning at the Southwest corner of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ and running North 59 feet, thence N84° 38' 30" E 225 feet, thence South 236 feet into the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$, thence West 224 feet, thence North 120 feet to the point of beginning, in Section 27, Township 10, Range 3 West, 1.15 acres, containing an aggregate of 290.35 acres, more or less.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 5:10 P.M.

Act No. 709

H. 1427—Casey

AN ACT

To provide for purging the lists of registered voters in Cleburne County; requiring and prescribing the procedure for the re-indentification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the re-indentification of registered voters; and providing a penalty for willfully making a false statement in connection with re-indentification.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of registrars of Cleburne County is hereby directed to purge all lists of the qualified electors in the county to the end that the names of all persons who are deceased or nonresidents of the county, or have otherwise become disqualified from voting in Cleburne County, shall be removed from such lists, and that the name of each qualified elector shall appear only on the list of qualified electors for the beat in which he resides.

Section 2. The board of registrars shall omit and remove from the lists of qualified electors of the county the name of any person who fails to reidentify himself, in the manner prescribed herein, before the first day of January, 1974. No person whose name is removed from the list of qualified electors as herein provided shall cease permanently to be a qualified elector nor be subject to re-registration, but shall be subject only to the requirement that he reidentify himself as a duly registered elector before being listed on the list of qualified electors in the county, and before being entitled to vote.

Section 3. Prior to the first day of January, 1974, the board of registrars of Cleburne County is hereby authorized, directed, and required to visit each beat in the county at least once, and more often if necessary, and remain there at least one day from nine o'clock in the morning until five o'clock in the afternoon, for the purpose of enabling qualified and registered voters residing in the beat to appear before the board and reidentify themselves. The board shall give at least ten days notice, by advertisement in a newspaper published in the county, of the time when, and the place in the beat where, they will attend for the purpose of enabling voters to appear and reidentify themselves. Upon failure to give such notice, or to attend any appointment made by them in any beat, they

shall, after like notice, fill new appointments. The board shall remain in session for thirty days. During the 30 day session the board shall visit each beat on at least one day and the remainder of the time may be divided as the board of registrars deem necessary, to enable the qualified electors of the county to appear and reidentify themselves in the manner prescribed herein. No voter shall appear and reidentify himself at any place except in the beat in which he resides or in the courthouse of the county.

Section 4. Each member of the board of registrars shall receive ten dollars per day, for each day's attendance upon the special sessions of the board required under the provisions of this Act; but if such special session is held on the same day a regular session is required to be held under the laws of this State, registrars shall receive only one per diem allowed for performing their regular duties, it being the intent and purpose of this Act that registrars shall be entitled to receive only one per diem allowance for one day's service. If one or more of the members of the board shall refuse, neglect, or be unable to serve, or if a vacancy or vacancies occur in the membership of the board from any cause, the Governor, State Auditor, and Commissioner of Agriculture and Industries, or a majority of them, shall forthwith make other appointments to fill such vacancies.

Section 5. The voter may reidentify himself by appearing in person before the board of registrars in the beat in which he resides, or by appearing before the judge of probate, or either of the clerks in the office of the judge of probate, or before the board of registrars in regular session, and answering such questions and submitting such proof under oath, as the board may require in order to establish the voter's identity, place of legal residence, and the fact that the voter has not become disqualified from voting in the county.

Section 6. The board of registrars shall meet on the first Monday in January 1974, for the purpose of purging the registration lists and the names of all persons who have failed to appear and reidentify themselves in the manner herein prescribed shall be stricken from the lists, provided, however, that said board shall not strike the name of any person, or of the spouse of any person, known by any member of said board, or made known to the said board by the written affidavit of another qualified elector, to be in active duty of any of the armed forces of the United States of America, and to be stationed, or to be living with her or his spouse, as the case may be, outside Cleburne County, Alabama, during the period of time from the effective date hereof to January 1, 1974.

Section 7. Any qualified elector of the county who shall have his name omitted or removed from the list of qualified electors in the county by failure to appear and reidentify himself as herein provided shall be entitled to have his name restored to the list of qualified electors by appearing in person at the office of the board of registrars, or at the office of the judge of probate, and answering such questions and submitting such proof, under oath, as the board may require to establish the voter's identity, place of legal residence, and the fact that the voter has not become disqualified from voting in the county. Provided, however, every qualified elector must have reidentified himself at least 10 days prior to the election at which he offers to vote; provided further, however, that this Act shall not be construed or applied to impair or deny the right to vote in person or by absentee ballot of any person or of the spouse of any person, now a qualified elector of said county, who is in active duty of any of the armed forces of the United States of America and stationed, and, as to the spouse, who is living with her or his husband or wife as the case may be, outside of Cleburne County, Alabama, during the period of time from the effective date hereof to January 1, 1974.

Section 8. The court of county commissioners of Cleburne County is hereby authorized, directed, and required to furnish the board of registrars with the supplies, equipment, printed forms, stationery and newspaper advertisements necessary for the reidentification of voters as herein provided.

Section 9. The questionnaire to reidentify a voter shall be in substantially the following form:

VOTERS REIDENTIFICATION QUESTIONNAIRE

Cleburne County, Alabama

Date _____, 197_____

Name _____

First	Middle	Last
-------	--------	------

Legal Residence Address _____
 _____ Street

City or Town _____ Street _____

State _____

Date of Birth _____ Sex _____

I now vote and I am a qualified elector in precinct or Beat No. _____, Box No. _____, _____ County, and I have not been disqualified from voting in this county. I am not a qualified voter in any other county in the State of Alabama or in any other State in the United States.

I have resided in Precinct or Beat No. _____ for the past _____ months.

Signed _____
Signature of Voter

Sworn to and subscribed before me this _____ day of _____ 19____.

Registrar — Judge of Probate

Section 10. Any person who willfully makes a false statement to the board of registrars, or any duly authorized person, in reidentifying himself as a qualified elector in the manner provided herein shall be guilty of perjury, and upon conviction thereof shall be punished by imprisonment in the penitentiary for not less than one nor more than five years.

Section 11. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. All laws or parts of laws which conflict with this Act are repealed.

Section 13. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 5:10 P.M.

Act No. 710

H. 1428—Casey

AN ACT

Relating to Cleburne County, to authorize the governing body of that county to employ up to two persons to provide clerical and administrative assistance for the tax collector's office; and to establish the salaries of the above mentioned assistants.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of Cleburne County is hereby authorized to employ up to two persons to provide clerical and administrative assistance of the tax collector's office. The governing body of said county is further empowered to set the salaries of the two assistants, if the governing body decides to hire such persons.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 5:10 P.M.

Act No. 711

H. 1429—Casey

AN ACT

Relating to Cleburne County, to authorize the governing body of that county to employ up to two persons to provide clerical and administrative assistance for the tax-assessor's office; and to establish the salaries of the above mentioned assistants.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of Cleburne County is hereby authorized to employ up to two persons to provide clerical and administrative assistance for the tax assessor's office. The governing body of said county is further empowered to set the salaries of the two assistants, if the governing body decides to hire such persons.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 5:10 P.M.

Act No. 712

H. 1433—Casey

AN ACT

To allow the county commission of any county having a population of not less than 10,900 nor more than 11,500, according to the last or

any subsequent federal decennial census to set the number and salary of employees in the office of the circuit clerk and register in chancery.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commission of any county having a population of not less than 10,900 nor more than 11,500, according to the last or any subsequent federal decennial census may set the number and salary of employees to be employed by the circuit clerk and register in chancery of the county. The salary of these employees, not to exceed \$400 per month per employee, shall be paid from the general funds of the county.

Section 2. The provisions of this Act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws, general, specific or local, which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 5:10 P.M.

Act No. 713

H. 1437—Casey

AN ACT

To provide for purging the lists of registered voters in Randolph County; requiring and prescribing the procedure for the re-identification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the re-identification of registered voters; and providing a penalty for willfully making a false statement in connection with re-identification.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of registrars of Randolph County is hereby directed to purge all lists of the qualified electors in the county to the end that the names of all persons who are deceased or nonresidents of the county, or have otherwise become disqualified from voting in Randolph County, shall be removed from such lists, and that the name of each qualified elector shall appear only on the list of qualified electors for the beat in which he resides.

Section 2. The board of registrars shall omit and remove from the lists of qualified electors of the county the name of

any person who fails to reidentify himself, in the manner prescribed herein, before the first day of January, 1974. No person whose name is removed from the list of qualified electors as herein provided shall cease permanently to be a qualified elector nor be subject to re-registration, but shall be subject only to the requirement that he reidentify himself as a duly registered elector before being listed on the list of qualified electors in the county, and before being entitled to vote.

Section 3. Prior to the first day of January, 1974, the board of registrars of Randolph County is hereby authorized, directed, and required to visit each beat in the county at least once, and more often if necessary, and remain there at least one day from nine o'clock in the morning until five o'clock in the afternoon, for the purpose of enabling qualified and registered voters residing in the beat to appear before the board and reidentify themselves. The board shall give at least ten days notice, by advertisement in a newspaper published in the county, of the time when, and the place in the beat where, they will attend for the purpose of enabling voters to appear and reidentify themselves. Upon failure to give such notice, or to attend any appointment made by them in a beat, they shall, after like notice, fill new appointments. The board shall remain in session for thirty days. During the 30 days session the board shall visit each beat on at least one day and the remainder of the time may be divided as the board of registrars deem necessary, to enable the qualified electors of the county to appear and reidentify themselves in the manner prescribed herein. No voter shall appear and reidentify himself at any place except in the beat in which he resides or in the courthouse of the county.

Section 4. Each member of the board of registrars shall receive ten dollars per day, for each day's attendance upon the special sessions of the board required under the provisions of this Act; but if such special session is held on the same day a regular session is required to be held under the laws of this State, registrars shall receive only one per diem allowed for performing their regular duties, it being the intent and purpose of this Act that registrars shall be entitled to receive only one per diem allowance for one day's service. If one or more of the members of the board shall refuse, neglect, or be unable to serve, or if a vacancy or vacancies occur in the membership of the board from any cause, the Governor, State Auditor, and Commissioner of Agriculture and Industries, or a majority of them, shall forthwith make other appointments to fill such vacancies.

Section 5. The voter may reidentify himself by appearing in person before the board of registrars in the beat in which

he resides, or by appearing before the judge of probate, or either of the clerks in the office of the judge of probate, or before the board of registrars in regular session, and answering such questions and submitting such proof under oath, as the board may require in order to establish the voter's identity, place of legal residence, and the fact that the voters has not become disqualified from voting in the county.

Section 6. The board of registrars shall meet on the first Monday in January 1974, for the purpose of purging the registration lists and the names of all persons who have failed to appear and reidentify themselves in the manner herein prescribed shall be stricken from the lists, provided, however, that said board shall not strike the name of any person, or of the spouse of any person, known by any member of said board, or made known to the said board by the written affidavit of another qualified elector, to be in active duty of any of the armed forces of the United States of America, and to be stationed, or to be living with her or his spouse, as the case may be, outside Randolph County, Alabama, during the period of time from the effective date hereof to January 1, 1974.

Section 7. Any qualified elector of the county who shall have his name omitted or removed from the list of qualified electors in the county by failure to appear and reidentify himself as herein provided shall be entitled to have his name restored to the list of qualified electors by appearing in person at the office of the board of registrars, or at the office of the judge of probate, and answering such questions and submitting such proof, under oath, as the board may require to establish the voter's identity, place of legal residence, and the fact that the voter has not become disqualified from voting in the county. Provided, however, every qualified elector must have reidentified himself at least 10 days prior to the election at which he offers to vote; provided further, however, that this Act shall not be construed or applied to impair or deny the right to vote in person or by absentee ballot of any person or of the spouse of any person, now a qualified elector of said county, who is in active duty of any of the armed forces of the United States of America and stationed, and, as to the spouse, who is living with her or his husband or wife as the case may be, outside of Randolph County, Alabama, during the period of time from the effective date hereof to January 1, 1974.

Section 8. The court of county commissioners of Randolph County is hereby authorized, directed, and required to furnish the board of registrars with the supplies, equipment, printed forms, stationery and newspaper advertisements necessary for the reidentification of voters as herein provided.

Randolph County, Alabama

Date _____, 197__

Name _____

Name _____

First _____ Middle _____ Last _____

Legal Residence Address _____

Legal Residence Address Street

City or Town _____

City or Town _____
State _____

Date of Birth _____ Sex _____

I now vote and I am a qualified elector in precinct or Beat No. _____, Box No. _____, _____ County, and I have not been disqualified from voting in this county. I am not a qualified voter in any other county in the State of Alabama or in any other State in the United States.

I have resided in Precinct or Beat No. _____ for the past _____ months.

Signed _____

Signature of Voter

Sworn to and subscribed before me this _____
day of _____ 19____.

Registrar - Judge of Probate

Section 10. Any person who willfully makes a false statement to the board of registrars, or any duly authorized person, in reidentifying himself as a qualified elector in the manner provided herein shall be guilty of perjury, and upon conviction thereof shall be punished by imprisonment in the penitentiary for not less than one nor more than five years.

Section 11. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. All laws or parts of laws which conflict with this Act are repealed.

Section 13. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 5:10 P.M.

Act No. 714

H. 1438—Casey

AN ACT

Relating to Randolph County; providing for condemnation of any motor vehicle, gun, rifle, or other hunting equipment used in night hunting of deer in the county and providing for the disposition of the proceeds of the sale thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. Any motor vehicle, or any gun, rifle or other hunting equipment customarily used in hunting deer, or any possession thereof upon the person or in any motor vehicle of any person who may be apprehended while engaging in hunting deer at night in Randolph County shall be contraband and shall be forfeited to the State of Alabama. Such property may be seized by the Sheriff of the county or by any other officer or person acting under authority of law in the enforcement of laws of this state, and the Sheriff or such other officer or person shall report the seizure and the facts connected therewith to the solicitor or any other prosecuting official of the county, giving a full description of the vehicle or other equipment seized and detained, the name of the person in whose possession it was found, the name of the person making claim to the same or any interest therein if the name is known or can be ascertained, the date of the seizure, and a statement of the circumstances connected with the apprehension of the person or persons whose property has been seized.

Section 2. In order to condemn and confiscate any of the property set out in Section 1 of this Act it shall not be necessary for the solicitor or other prosecuting authority to prove possession of deer killed in night hunting or that the hunter be apprehended in the actual act of killing deer but it shall suffice to prove possession upon the person or in any motor vehicle of such person of guns, ammunition, and other equipment normally used in hunting deer and the time, the place, and circumstances of the apprehension sufficient to support a conviction of the offense of night hunting of deer.

Section 3. Except as otherwise herein provided, the manner, the method and procedure for the forfeiture, condemnation, and sale of any motor vehicles or hunting equipment seized under authority of this act shall be the same as that provided by law for the confiscation, condemnation, and sale of automobiles, conveyances, or vehicles in which alcoholic beverages are illegally transported. Without limiting the generality of the foregoing sentence, the provisions of Code of Alabama 1940, Title 29, Section 248 and 249 shall apply.

Section 4. The proceeds of the sale of any property condemned and forfeited to the state under authority of this act, after payment of all expenses in the cause, including the cost of seizure and a keeping of the property pending the proceedings, shall be paid into the state treasury to the credit of the Game and Fish Fund.

Section 5. All laws or parts of laws which conflict with this act are repealed.

Section 6. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 5:10 P.M.

Act No. 715

H. 1439—Casey

AN ACT

Relating to Cleburne County; providing for condemnation of any motor vehicle, gun, rifle, or other hunting equipment used in night hunting of deer in the county and providing for the disposition of the proceeds of the sale thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. Any motor vehicle, or any gun, rifle or other hunting equipment customarily used in hunting deer, or any possession thereof upon the person or in any motor vehicle of any person who may be apprehended while engaging in hunting deer at night in Cleburne County shall be contraband and shall be forfeited to the State of Alabama. Such property may be seized by the Sheriff of the county or by any other officer or person acting under authority of law in the enforcement of laws of this state, and the Sheriff or such other officer or person shall report the seizure and the facts connected therewith to the solicitor or any other prosecuting official of the county, giving a full description of the vehicle or other equipment seized and detained, the name of the person in whose possession it was found, the name of the person making claim to the same or any interest therein if the name is known or can be ascertained, the date of the seizure, and a statement of the circumstances connected with the apprehension of the person or persons whose property has been seized.

Section 2. In order to condemn and confiscate any of the property set out in Section 1 of this Act it shall not be necessary for the solicitor or other prosecuting authority to prove possession of deer killed in night hunting or that the hunter be apprehended in the actual act of killing deer but it shall suffice to prove possession upon the person or in any motor vehicle of such person of guns, ammunition, and other equipment normally used in hunting deer and the time, the place, and circumstances of the apprehension sufficient to support a conviction of the offense of night hunting of deer.

Section 3. Except as otherwise herein provided, the manner, the method and procedure for the forfeiture, condemnation, and sale of any motor vehicles or hunting equipment seized under authority of this act shall be the same as that provided by law for the confiscation, condemnation, and sale of automobiles, conveyances, or vehicles in which alcoholic beverages are illegally transported. Without limiting the generality of the foregoing sentence, the provisions of Code of Alabama 1940, Title 29, Sections 248 and 249 shall apply.

Section 4. The proceeds of the sale of any property condemned and forfeited to the state under authority of this act, after payment of all expenses in the cause, including the cost of seizure and a keeping of the property pending the proceedings, shall be paid into the state treasury to the credit of the Game and Fish Fund.

Section 5. All laws or parts of laws which conflict with this act are repealed.

Section 6. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 5:10 P.M.

Act No. 716

H. 1486—McDonald, Drake

AN ACT

Relating to the twenty-seventh judicial circuit of Alabama, to provide for an investigator, furnished with an automobile and other equipment necessary for the performance of investigative duties; and to

provide for an additional secretarial assistant for the office of district attorney of said judicial circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. The district attorney of the twenty-seventh judicial district is hereby authorized and empowered to appoint and prescribe the duties of an additional secretarial assistant; and an investigator, who shall both serve at the pleasure of said district attorney.

Section 2. The compensation of the secretarial assistant authorized herein shall be fixed by said district attorney at a sum not exceeding \$450.00 per month, and the compensation of the investigator authorized herein shall be fixed by said district attorney at a sum not exceeding \$750.00 per month; and said investigator shall be furnished an automobile and other equipment necessary for the performance of investigative duties.

Section 3. Provided that if federal funding is available upon enactment of this act, such federal funding shall be used to pay the compensation of the additional secretarial assistant and of the investigator provided herein in Section 2; and shall be used to pay for the automobile and other equipment provided for said investigator in this act. In the event that federal funding is not available upon enactment of this act; or if such federal funding is available and thereafter exhausted or otherwise unavailable, then the county located in said circuit shall provide funding for the compensation, equipment, and automobile provided herein in Section 2 of this act.

Section 4. All laws or parts of laws which conflict with this act are repealed.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 5:10 P.M.

Act No. 717

H. 1514—Boutwell, Wallace, Doss, Bowers

AN ACT

TO AMEND ACT NO. 79 OF THE SPECIAL SESSION OF THE

LEGISLATURE OF ALABAMA OF 1966, APPROVED AUGUST 17, 1966 (ALA. ACTS, SPECIAL SESSION OF 1966, P. 106 ET SEQ.), AS HERETOFORE AMENDED, PROVIDING IN JEFFERSON COUNTY FOR THE CREATION AND MAINTENANCE OF DISTRICTS FOR FIGHTING OR PREVENTING FIRES, DISTRICTS FOR THE COLLECTION AND DISPOSAL OF GARBAGE AND DISTRICTS FOR BOTH OF THE AFORESAID PURPOSES.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 15 of Act No. 79 of the Special Session of the Legislature of Alabama of 1966, approved August 17, 1966 (Ala. Acts, Special Session, 1966, p. 106 et seq.), as heretofore amended, is hereby further amended to read as follows:

“Section 15(a). Any district created hereunder may be abolished in the manner provided for in this Section 15; provided, however, that no district shall be abolished when it has any indebtedness.

“Upon the petition for abolition of a district, conforming to the requirements set forth below, being filed with the Probate Judge, he shall order an election on abolition of the district to be held in the district within the time provided for by Section 4, at which qualified electors residing within the district shall be entitled to vote. The number of qualified electors residing in the district signing the said petition shall not be less than the smaller of these two numbers: one hundred (100), or a number equal to ten percent (10%) of the qualified electors residing within the district. It shall contain a recital that the district is not indebted; and it shall request the Probate Judge to order an election on whether the district shall be abolished. Upon the officers canvassing the returns of the election certifying that abolition of the district was approved by a majority of the votes cast at the election, the district shall be abolished.

“No election to abolish a district shall be held at any time within two years following the date of the election creating the district; and not more than one election on the abolition of a district shall be held within a period of two years.

“When a district is abolished, either under Section 14, above, or under this Section 15, a Committee, herein called ‘the Committee’, appointed in the manner hereinafter stated shall determine what disposition shall be made of the properties and assets of the district, in accordance with the provisions of this Section 15. The Committee shall consist of three members, each of whom shall be a qualified elector of the district. As used herein, the term ‘Presiding Judge, Birmingham Division’ means the Presiding Judge of the Circuit Court of the Tenth Judicial Circuit of Alabama, Birming-

ham Division. The term 'Presiding Judge, Bessemer Division', means the Presiding Judge of the Circuit Court of the Tenth Judicial Circuit of Alabama, Bessemer Division. The term 'Board of Trustees' as used in this Section 15 means the Board of Trustees of the district as comprised at the time of its dissolution. When no part of a district is situated in the Bessemer Cutoff, the Committee shall consist of three members, one of whom shall be appointed by the Presiding Judge, Birmingham Division, one of whom shall be appointed by the Board of Trustees, and one of whom shall be appointed by the United States District Judge for the Southern Division of the Northern District of Alabama having the longest tenure of service on that court. When the district is located entirely within the Bessemer Cutoff, the Committee shall consist of three members, one of whom shall be appointed by the Presiding Judge, Bessemer Division, one of whom shall be appointed by the Board of Trustees and one of whom shall be appointed by the United States District Judge for the Southern Division of the Northern District of Alabama having the longest tenure of service on that court. When a district lies partly, but not entirely, within the Bessemer Cutoff, the Committee shall consist of four members, one of whom shall be appointed by the Presiding Judge, Birmingham Division, one of whom shall be appointed by the Presiding Judge, Bessemer Division, one of whom shall be appointed by the Board Trustees, and one of whom shall be appointed by the United States District Judge for the Southern Division of the Northern District of Alabama having the longest tenure of service on that court.

"Subject to the provisions of this Section 15 the Committee shall determine what disposition shall be made of all of the proceeds and assets of the district. The Committee shall use such properties and assets of the district, or the proceeds from the sale thereof, for the acquisition, construction or establishment of some permanent improvement designed to benefit the community comprising the district at the time of its dissolution.

"For the accomplishment of this purpose those who were officers of the district at the time of its dissolution shall be authorized to execute any necessary conveyance, contract or other instrument which may be necessary.

"(b) As herein used in this Section 15, the term 'new district', means a district which has been, or shall be, created under this Act, and which when created contains at least ninety percent (90%) of the territory which comprised a previous district which was abolished under this Section 15.

"When a district has heretofore been, or shall hereafter be, abolished, as provided for in this Section 15, and a new district has heretofore been, or shall hereafter be, created, and the creation of the new district was, or shall be, accomplished before the Committee disposes of the funds, property and assets of the abolished district, as provided for in this Section 15, the new district shall be entitled to receive, and shall own, all funds, property and assets of the abolished district. Those holding any such funds, property or assets shall deliver the same to the new district, and the new district shall hold and use such funds, property and assets for its benefit and operation, in accordance with the provisions of this Act.

"This subsection (b) shall apply to any district heretofore or hereafter abolished, if the Committee has not disposed of the funds, property and assets of the abolished district prior to the effective date of said subsection (b)."

Section 2. This Act shall take effect upon its approval by the Governor or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 5:10 P.M.

Act No. 718

H. 1597—Cottingham, Turner

AN ACT

To create the office of commissioner of licenses in counties in Alabama having a population of not less than 54,500 and not more than 56,000 according to the last and any subsequent decennial federal census; to provide for a more convenient and efficient method for the issuance of all licenses except marriage licenses; to prescribe the powers, duties, and authority of the commissioner of licenses; to provide for the appointment of such commissioner, the fixing of his salary, and the furnishing of quarters, supplies, and assistants to him; to transfer to such officer the duties of the probate judge relative to the issuance of all licenses, except marriage licenses, and the distribution of motor vehicle license tags, the duties of the tax assessor and tax collector, respectively, relative to assessing and collecting ad valorem taxes on motor vehicles, and all the duties of the license inspector of such county; to relieve the above named officers of the duties so transferred; and to prescribe the manner in which certain of the duties hereby imposed on the commissioner of licenses shall be prescribed.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in counties having a population of not less than 54,500 nor more than 56,000 according to the last or any subsequent federal decennial census.

Section 2. There is hereby created the office of commissioner of licenses, the first of which shall be appointed by the Board of Revenue and the judge of probate, and such appointee shall serve at the pleasure of the appointing board. Any vacancy occurring shall be filled by the appointing board or a majority of them. The salary of the commissioner of licenses shall be fixed by the appointing board in an amount not less than \$10,000 annually, and shall be based on a study of the duties and responsibilities of the office and the salary schedules applicable to like public officials in counties of comparable size, said annual salary when fixed by the appointing board shall be payable in equal monthly installments from the general funds of the county.

Section 3. The commissioner of licenses shall be a county officer, shall have an official seal of office and shall maintain his permanent office in the county courthouse. Before entering upon the duties of his office, the commissioner of licenses shall take the oath of office prescribed by the Constitution and enter into bond in such sum as may be fixed by the county governing body, giving as surety thereon a bonding company authorized to do business in this state. The bond shall be approved by the county governing body and filed with and recorded by the judge of probate of the county. All premiums on such bond shall be paid out of the general fund of the county.

Section 4. Suitable office space and all stationery, equipment, supplies and postage necessary for the conduct of the office shall be furnished by the governing body of the county to the commissioner of licenses except such stationery and supplies as the law now requires to be furnished by the State Department of Revenue or the State Comptroller.

Section 5. The commissioner of licenses herein provided for may appoint a deputy commissioner of licenses who shall, in his absence, have the power and authority herein granted to the commissioner of licenses. The commissioner of licenses may also appoint a sufficient number of clerks and assistants to properly perform the duties of his office. The compensation of the deputy commissioner of licenses, clerks and assistants shall be fixed by the commissioner of licenses subject to the approval of the county governing body and paid out of the general fund of the county in the same manner as the salaries of other county employees are paid.

Approved August 30, 1973.

Time: 5:10 P.M.

Act No. 719

H. 1626—Coshatt

AN ACT

To regulate salaries and expense accounts of certain public officials in St. Clair County; to become effective October 1, 1973 if approved by a referendum vote of the populace.

Be It Enacted by the Legislature of Alabama:

Section 1. Upon the effective date of this act and thereafter the annual compensation of the following officials of St. Clair County shall be as hereinafter designated:

(A) Probate Judge — Fifteen thousand dollars annually. (\$15,000)

(B) Circuit Clerk — Ten thousand five hundred dollars annually. (\$10,500)

(C) Tax Assessor — Ten thousand five hundred dollars annually. (\$10,500)

(D) Tax Collector — Ten thousand five hundred dollars annually. (\$10,500)

Section 2. In addition to the above mentioned annual compensation, each of the designated officers shall receive a monthly expense allowance of one hundred twenty-five dollars (\$125) to be expended in carrying out the duties of the position.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are repealed.

Section 5. This act shall become effective October 1, 1973, but only if approved by a majority of the qualified electors of St. Clair County voting at a referendum election held not less than three months after the final adjournment of the legislative session at which this law is enacted. The governing body of St. Clair County shall order and provide for the holding of the referendum on such date. On the ballots to be used at the election, the question shall be stated substantially as follows: "Shall the Provisions of Act No. _____ of the 1973 _____ Session of the Legislature, which adjusts and fixes the salaries and allowances of certain officers of St. Clair County, be adopted? Yes () No ()."

If a majority of the votes cast at the election are "Yes", the provisions of this act shall become effective October 1,

1973. If a majority of the votes cast in the election under this act are "No", this act shall have no effect. The results of the election, however, shall be certified by the Judge of Probate of St. Clair County to the Secretary of State, who shall make a permanent record thereof.

Approved August 30, 1973.

Time: 5:25 P.M.

Act No. 720

H. 1705—Owens

AN ACT

Relating to Bibb County, providing further for the compensation of the members of the governing body of said county.

Be It Enacted by the Legislature of Alabama:

Section 1. At the expiration of the terms of office presently held by the incumbent members of the governing body of Bibb County, the salary of each member of said body shall be \$500.00 per month, and each member shall receive \$100.00 per month in addition to the salary as expense allowance. Both salary and expense allowance shall be payable from the county treasury and shall be the total compensation of such members; and shall be in lieu of any salary, fee or compensation heretofore prescribed by law.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 5:25 P.M.

Act No. 721

H. 1707—Owens

AN ACT

Relating to Bibb County, to provide that the sheriff shall be entitled to the allowances payable by the state for feeding prisoners; to provide that the provisions of this Act shall be retroactive to January 18, 1971.

Be It Enacted by the Legislature of Alabama:

Section 1. The sheriff of Bibb County shall be entitled to keep and retain the allowances payable by the state for feeding prisoners.

Section 2. The provisions of this Act shall be retroactive to January 18, 1971, and all actions taken by the sheriff in accordance with the provisions of this Act are hereby validated and confirmed.

Approved August 30, 1973.

Time: 5:25 P.M.

Act No. 722

H. 1708—Owens

AN ACT

To authorize the Bibb County governing body to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and prescribing the procedure for levying and collecting such assessments.

Be It Enacted by the Legislature of Alabama:

Section 1. The county governing body of Bibb County is authorized, when the need exists, to provide protection against forest fires in Bibb County by participating in the Alabama Forestry Commission's fire protection program in the manner specified.

Section 2. (a) After the Bibb County governing body has determined that such a need does exist in Bibb County, the county governing body may, in the manner hereinafter specified, provide for a financial charge or tax of five cents per acre to be paid by the owners of forest lands located in Bibb County for the use of the land for timber growing purposes amounting to the whole or any part of the cost of such fire protection program.

(b) "Forest lands" as used in this Act, shall mean any land which supports a forest growth, or which under prevailing natural and economic conditions may be expected to support such a growth in the future, or which is being used or reserved for any forest purpose. "Forest lands" as used in this Act, shall not include any lands primarily used for residential purposes nor shall it include any publicly owned lands.

Section 3. The need for such a financial charge or tax to provide forest fire protection within the county shall be de-

terminated by the county governing body after a public hearing is held thereon. Notice of such public hearing shall be given by the county governing body for a period of two consecutive weeks by advertisement in a newspaper of general circulation in Bibb County. Such advertisement must indicate the date, time, and place of the hearing, the manner proposed to finance such fire protection program, and the part of the cost of such program that is proposed to be paid by the owners of forest lands. Any person owning forest land in Bibb County may appear in person or by attorney at such time and place and make defense against such financial charge or tax or the amount thereof. After such hearing the county governing body shall determine the amount of such financial charge or tax and enter on the minutes of the governing body an order fixing such financial charge or tax.

Section 4. Any such financial charge or tax fixed as provided in the above section shall be payable at the same time and in the same manner as county taxes and the owners of the forest lands, as herein defined, shall make report of same to the tax assessor of Bibb County at the time fixed by law for making return of the property of such property owner. Financial charges or taxes levied shall constitute a lien on the property against which they are charged or taxed in case of default in the payment of such financial charge or tax the land may be sold in the same manner and under the same conditions that lands are sold for the satisfaction of liens for county ad valorem taxes and redemption from such sale may be effected in the same manner as is provided by law for redemption where land is sold for non payment of ad valorem taxes.

Section 5. The county governing body of Bibb County is authorized to appoint agents and delegate authority to individuals to search out forest lands in Bibb County, determine the area and owners thereof, and report same to the tax assessor of Bibb County who shall be authorized, after notice by certified mail to such owners, and hearing before the county governing body if so requested by such owners, to place said financial charge or tax against said forest lands as may be determined by the report of such agents or the determination of said county governing body.

Section 6. The tax herein imposed shall be due and payable quarterly to the state department of revenue, and shall, when collected, be paid by such department into the state treasury, and accredited to Bibb County. All monies collected in accordance with this Act shall be spent in participating in the Alabama Forestry Commission's forest fire protection program in Bibb County.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 5:25 P.M.

Act No. 723

H. 1710—Owens

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the City of Centreville, in Bibb County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the City of Centreville in Bibb County, Alabama are hereby altered, rearranged and extended so as to include within the corporate limits of said city, in addition to the lands now included, all of the following territory, to wit:

PARCEL NUMBER ONE

Begin at the Northwest corner of the Northeast $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 22, Township 23 North, Range 9 East, Bibb County, Alabama, thence Southerly along West boundary of said quarter section to the intersection of the South right-of-way of Bibb County Road 28, thence Southerly along the West boundary of the East $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 22 to the Southwest corner of the North $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 22, thence Easterly parallel to the North boundary of Section for a distance of 660 feet to a concrete monument the point of the beginning; thence North 78 degrees and 02 minutes East for a distance of 1,485 feet to iron pipe; thence continue North 78 degrees 02 minutes West for a distance of 1,007 feet to a point that is 500 feet Westerly of the center line of Alabama Highway 219 and the present City limits of Centreville, Alabama, thence Southerly and parallel to Alabama Highway 219 to the intersection of the South boundary of the North $\frac{1}{2}$ of the SE $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 23, Township 23 North, Range 9 East; thence Easterly along the South boundary of the North $\frac{1}{2}$ of said $\frac{1}{4}$ Section to the center of said $\frac{1}{4}$ Section which is the West boundary of the present city limits; thence South along the present boundary of Centreville City limits for a distance of 3,077 feet to the intersection of the South boundary of Section 23, Township 23 North, Range 9 East; thence West along the South boundary of Section 23 to the SE cor-

ner of the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 23; thence South along the West Boundary of the E $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 26, Township 23 North, Range 9 East of the present Centreville City Limits line for a distance of approximately 1800 feet to the intersection of Ashworth property; thence North 77 degrees 17 minutes West to a concrete post on the West Boundary of Section 26 and East Boundary of Section 27; thence North along Section line to the NW Corner of Section 26; thence westerly along the South Boundary of Section 22 for a distance of approximately 1,980 feet to an iron pipe and the City Limits of Brent, Alabama; thence North to the intersection of the North Boundary of the South $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 22, Township 23 North, Range 9 East; thence Easterly along the North Boundary of the South $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 22 to a point 660 feet West of the East Boundary of Section 22; thence North parallel to the East Boundary of Section 22 to the center of SE $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 22, Township 23 North, Range 9 East and the point of beginning; all in Bibb County, Alabama.

PARCEL NUMBER TWO

The SE $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 11, Township 23 North, Range 9 East, the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ less 5,739 acres in the NE Corner sold to Hathcock and all that part of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ lying West of Alabama Highway No. 219 in Section 14, Township 23 North, Range 9 East; all in Bibb County, Alabama.

PARCEL NUMBER THREE

Begin at the Southwest Corner of Section 11, Township 23 North, Range 9 East, Bibb County, Alabama, thence East to the Southeast Corner of the Southwest quarter of the Southwest quarter Section 11, thence North to the Northeast Corner of the Southwest quarter of Northwest quarter, Section 11, Township 23 North, Range 9 East, thence West along the Northern boundary of the Southwest quarter of the Northwest quarter to the Northwest Corner, thence South along section line to the Northeast Corner of the Northeast quarter of the Southeast quarter, Section 10, thence West to the Northwest Corner of the Northwest quarter of the Southeast quarter or the center of Section 10, thence South to the Northeast Corner of the Southeast quarter of the Southwest quarter of Section 10, thence West along the Northern Boundary of the Southeast quarter of Southwest quarter to the Northwest Corner, thence South along the Western Boundary of said quarter section to the Southwest Corner of the Southeast quarter of Southwest quarter of Section 10, thence East along Northern Boundary of Section 15 to the Northwest Cor-

ner of the Northwest quarter of Northeast quarter of Section 15, thence South to the Southwest Corner of the Northwest quarter of the Northeast quarter of Section 15, thence East to the Southeast Corner of the Northwest quarter of the Northeast quarter Section 15, thence South to a point that is 557.3 feet North of the Southwest corner of the Southeast quarter of Southeast quarter of Section 15, said point is also 750 feet Northerly from Bibb County Road No. 28, thence Southeasterly along a curve to the right having a radius of 2,660.08 feet to a point that is 750 feet Northerly of PT Station 61 + 80.1 back equal to 62 + 75.6 ahead, thence South 66 degrees 55 minutes East parallel to the center line of Bibb County Road No. 28 for a distance of 1,174.6 feet to a point that is 750 feet perpendicular of and Northerly of PC Station 74 + 50.2, thence Southeasterly along a curve to the left having a radius of 1,160.08 feet for a distance of 364.4 feet to a point that is 750 feet northerly of PT Station 80 + 50.2, thence South 84 degrees 55 minutes East parallel to the center line of Bibb County Road No. 28 for a distance of 700.4 feet to a point that is 750 feet Northerly of and perpendicular to Bibb County Road No. 28, also PC Station 87 + 50.6, thence Southeasterly parallel to Bibb County Road No. 28 and along a curve to the right having a radius of 2,182.69 feet to a point that is 500 feet Westerly of the centerline of Alabama Highway No. 219 and the intersection of the present City Limits, thence Northerly along the present City Limit Line and parallel to Alabama Highway No. 219 to the intersection of the Southern Boundary of the Northeast quarter of the Southwest quarter of Section 14, Township 23 North, Range 9 East, said intersection point is 500 feet Westerly of the Center line of Alabama Highway No. 219, thence Westerly along the South Boundary of the Northeast quarter of the Southwest quarter of Section 14 and the Southern Boundary of the Northwest quarter of the Southwest quarter of Section 14 to a point that is 660 feet West of the Southeast Corner of the Northwest quarter of the Southwest quarter of Section 14, thence Northerly and parallel to the section line to the intersection of the Southern Boundary of the Southwest quarter of Northwest quarter of Section 14, thence Easterly to the Southeast Corner of the Southwest quarter of the Northwest quarter of Section 14, thence Northerly to the Northeast Corner of the Southwest quarter of the Northwest quarter, thence Westerly along the Northern Boundary of said quarter section to the intersection of section line, thence Northerly along section line to the Northwest quarter of the Section 14, and the Southwest Corner of Section 11, the point of beginning, all in Bibb County, Alabama.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 5:25 P.M.

Act No. 724

H. 1711—Owens

AN ACT

Relating to Bibb County, to authorize the jury commission to meet an additional 15 work days per year.

Be It Enacted by the Legislature of Alabama:

Section 1. The jury commission of Bibb County is hereby authorized to meet an additional 15 work days per year, if such commission deems it necessary for the performance of its duties. Said 15 days shall be in addition to all work day limits heretofore prescribed by law.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 5:25 P.M.

Act No. 725

H. 1712—Owens

AN ACT

Relating to Bibb County; to provide that no claim presented to the Bibb County Commission need be sworn to and that no testimony need be presented as to whether any part of such claim having been previously paid.

Be It Enacted by the Legislature of Alabama:

Section 1. No claim presented to the Bibb County Commission under Code of Alabama 1940, Title 12, Section 110 or Title 12, Section 111, need be sworn to and no testimony need

be presented as to whether any part of such claim has been previously paid as is required by Code of Alabama 1940, Title 12, Section 115, however, all such claims must be accurately and fully itemized.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 5:25 P.M.

Act No. 726

H. 1713—Owens

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the City of Brent, in Bibb County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the City of Brent in Bibb County, Alabama are hereby altered, rearranged and extended so as to include within the corporate limits of said city, in addition to the lands now included, all of the following territory, to wit:

Begin at the Northwest corner of the Northeast quarter of the Northeast quarter of Section 22, Township 23 North, Range 9 East, Bibb County, Alabama; thence Southerly along the West boundary of said quarter-quarter section to the intersection of the South right-of-way line of Bibb County Road #28, the point of beginning; thence go in a Southerly direction along the West boundary of the E $\frac{1}{2}$ of the NE $\frac{1}{4}$ of said Section 22 to the Southwest corner of the N $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 22; thence Easterly parallel to North boundary of said Section for a distance of 660 feet to a concrete monument; thence North 78 degrees and 02 minutes East for a distance of 1,485 feet to iron pipe; thence continue North 78 degrees 02 minutes West for a distance of 1,007 feet to a point that is 500 feet Westerly of the centerline of Alabama Highway #219; thence run Northerly and parallel to

the centerline of Alabama Highway #219 to a point on the South right-of-way of Bibb County Road #28, said point being 500 feet Westerly of said Highway; thence run North 64 degrees 43 minutes West along South boundary of Bibb County Road #28 for a distance of 105 feet to a concrete right-of-way marker stamped PT 92+55.6; thence North 69 degrees 09 minutes West for a distance of 211.8 feet to a point on South right-of-way of said Bibb County Road #28; thence South 70 degrees 51 minutes West for a distance of 257.2 feet; thence South 25 degrees 20 minutes West for a distance of 186.9 feet; thence South 50 degrees 57 minutes West for a distance of 156.2 feet; thence South 77 degrees 11 minutes West for a distance of 212.3 feet; thence South 0 degrees 55 minutes West for a distance of 627 feet; thence run South 78 degrees 02 minutes West for a distance of 1,485 feet; thence run Northerly parallel to East Section line to intersection of South right-of-way of Bibb County Road #28; thence run Westerly along the South right-of-way of Bibb County Road #28 to the point of beginning.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 5:25 P.M.

Act No. 727

H. 1714—Owens

AN ACT

To change the method of compensating the probate judge, the circuit clerk, the register, the tax assessor and the tax collector of Bibb County, placing said officials on a salary basis; to provide that the fees, commissions and allowances provided such officials under the general law shall be paid into the county treasury; and providing for a clerk hire allowance for each of said officials.

Be It Enacted by the Legislature of Alabama:

Section 1. The probate judge, the circuit clerk, the tax assessor, and the tax collector of Bibb County shall receive, in equal monthly installments from the general fund of the county, the following annual salaries:

(a) judge of probate

\$16,500.00

- | | |
|--|-------------|
| (b) tax assessor | \$11,500.00 |
| (c) tax collector | \$11,500.00 |
| (d) circuit clerk when also serving
duties as register | \$11,500.00 |
| (however, when not serving as register
he shall receive a salary of only
\$9,100.00) | |

Said salaries shall be the entire compensation received by any of the above county officers for his services in any official and any ex officio capacity and shall be in lieu of all fees, commissions, allowances, percentages and other charges heretofore paid to any officers, except as provided herein.

Section 2. All fees, commissions, allowances, percentages and other charges heretofore collected for the use of said officers, shall hereafter be collected and paid into the general fund of the county, except as provided hereinafter.

Section 3. The governing body of Bibb County shall provide each of the above officers with such office personnel, clerks, deputies, and such quarters, books, stationery, furniture, equipment and other such conveniences and supplies as such governing body may consider necessary for the proper and efficient conduct of their respective offices. Except as hereinafter provided, compensation of any personnel so provided shall be fixed by said governing body and shall be paid in equal monthly installments out of the general fund of the county.

Section 4. The tax collector shall be entitled to receive commissions on taxes in accordance with the provisions of Title 51, Section 191, Code of Alabama Recompiled 1958, on all taxes collected by him through December 31, 1973. He shall also be entitled to an allowance of \$600.00 per year for clerk hire, which shall be in addition to any allowance now payable, and said allowance or such portion thereof, as is needed, shall be payable directly to such clerk or clerks as may be hired pursuant to this section.

Section 5. The tax assessor shall be entitled to receive from the tax collector $\frac{1}{4}$ (25%) of commissions as provided for in Title 51, Section 30, Code of Alabama Recompiled 1958, for 1974 assessments, on all regular assessments; including real estate and personal property for corporations and public utilities. The above commissions to be based on net taxes collected. (Insolvents; Errors; Litigations and Homesteads or other taxes which the Collector has been unable to collect are not subject to commissions). Commissions on

motor vehicle assessments shall be paid to the assessor through December 31, 1973. The tax assessor shall also receive an allowance of \$1200.00 per year for clerk hire, which shall be in addition to any now payable and said allowance or such portion thereof, as is needed, shall be payable directly to such clerk or clerks as may be hired pursuant to this section.

Section 6. The probate judge shall be entitled to two clerks, whose salaries shall be paid from the general fund of the county. One such clerk shall receive a monthly salary not to exceed \$600.00 per month and payable directly to said clerk; and the other clerk shall receive a monthly salary not to exceed \$400.00 per month payable directly to said clerk.

Section 7. The circuit clerk shall receive an annual clerk hire allowance of \$400.00 per month, payable from the general fund of the county directly to such clerk or clerks as may be hired by the circuit clerk of Bibb County.

Section 8. All laws or parts of laws which conflict with this Act are repealed.

Section 9. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. The provisions of this Act relative to the salary and assistants of the probate judge shall become effective immediately after the expiration of the term of office of the incumbent judge of probate and the remaining provisions of this Act shall become effective on the first day of the first month beginning after the ratification of an amendment to the Constitution authorizing a law regulating the compensation of certain officials of Bibb County, provided that a majority of qualified electors of Bibb County voting at the Constitutional Amendment election voted in favor of such amendment.

If a majority of the qualified electors of said county voting at said election voted against such amendment, then this Act shall have no force or effect.

Approved August 30, 1973.

Time: 5:25 P.M.

Act No. 728

H. 1715—Owens

AN ACT

To amend Act No. 869, H. 1197, 1969 Regular Session (1969 Acts,

p. 1579), which act provides for expense allowance for board of education members in Bibb County, so as to provide further for such expense allowance.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 869, H. 1197, 1969 Regular Session (1969 Acts, p. 1579), is hereby amended to read as follows:

“Section 1. The members of the county board of education of Bibb County shall each be entitled to expenses in the amount of \$17.50 per month. Such allowance shall be in addition to all other allowances provided by law and shall be payable from the public school funds of the county at the end of each month.”

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 5:25 P.M.

Act No. 729

H. 1716—Owens

AN ACT

Relating to Bibb County, to amend Act No. 1381, H. 2294, of the 1971 Regular Session (Acts 1971, p. 2327), which act provides for election of the members of the governing body of such county, so as to provide further for the monthly expense allowance of said members.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 4 of Act No. 1381, H. 2294, of the 1971 Regular Session (Acts 1971, p. 2327), is hereby amended to read as follows:

“Section 4. Each commissioner of the county governing body shall receive a monthly salary of \$300, and \$300 per month expense allowance, both payable from the county treasury.”

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 5:25 P.M.

Act No. 730

H. 1739—Merrill, Stewart, Burgess

AN ACT

To amend Act No. 30, Second Special Session 1971 (Acts 1971, p. 4163), which act relates to the appointment of a probate court clerk in counties having populations of not less than 95,000 nor more than 115,000 according to the most recent federal decennial census, so as to provide further for the compensation of said clerks within such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 4 of Act No. 30, Second Special Session 1971 (Acts 1971, p. 4163), is hereby amended to read as follows:

“Section 4. The judge of probate shall fix the salary of the probate court clerk in an amount not to exceed six hundred dollars per month and the county commission or like governing body of any county in which this Act applies is hereby authorized and directed to pay the salary of the said clerk out of the general funds of the county as other county employees are paid. The compensation herein allowed shall be in addition to all other clerical allowances or appropriations provided for the operation of the judge of probate offices.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 5:25 P.M.

Act No. 731

H. 1742—Crowe

AN ACT

Relating to counties having a population of not less than 55,500 nor more than 56,500 inhabitants according to the most recent federal decennial census; to provide that any such county having an Intermediate Court shall use the rules of civil procedure adopted by the Alabama Supreme Court in such Intermediate Court.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply only to counties having a population of not less than 55,500 nor more than 56,500 inhabitants according to the most recent federal decennial census.

Section 2. In any such county having an Intermediate Court the rules of civil procedure are adopted by the Alabama Supreme Court on January 3, 1973 and amended from time to time thereafter, shall be used to govern the practice, procedure, judgments and records of such Intermediate Court. The judge of the Intermediate Court may exclude such procedure rules as he may deem to be inconsistent with the general purpose and function of a court of limited jurisdiction, where it is apparent that justice would be best served to do so.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 5:25 P.M.

Act No. 732

H. 1743—Merrill, Stewart, Burgess
AN ACT

Relating to counties having populations of not less than 95,000 nor more than 115,000 according to the most recent federal decennial census, authorizing the governing bodies to pay all fees, dues and related expenses of membership in any professional organization to which the tax assessors, tax collectors, probate judges and license commissioners of such counties may belong.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing bodies of counties having populations of not less than 95,000 nor more than 115,000 according to the most recent federal decennial census are hereby authorized to pay all fees, dues and related expenses of membership in any professional organizations to which the tax assessors, tax collectors, license commissioners and probate judges of such counties may belong.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 5:25 P.M.

Act No. 733

H. 1806—May

AN ACT

To provide that any city of the state having a population of not less than 6,728 and not more than 6,834 according to the most recent federal decennial census shall have authority, after notice is provided, to remove or demolish buildings and structures, parts of buildings and structures, party walls and foundations when the same are found by the governing body of such city to be unsafe to the extent of being a public nuisance; to provide for a hearing by the governing body if requested; to authorize that the cost of such demolition shall constitute a special assessment against the lot or lots, parcel or parcels whereon the building or structure was located and that such assessment shall constitute a lien on said property; and to provide a method of collecting such assessments.

Be It Enacted by the Legislature of Alabama:

Section 1. An city of the state having a population of not less than 6,728 and not more than 6,834 according to the most recent federal decennial census shall have authority, after notice as provided herein, to move or demolish buildings and structures, or parts of buildings and structures, party walls and foundations when the same are found by the governing body of the city to be unsafe to the extent of being a public nuisance from any cause.

Section 2. The term "appropriate city official" as used in this act shall mean any city official or city employee designated by the mayor or other chief executive officer of a city coming under the provisions of this act as the person to exercise the authority and perform the duties delegated by this act to the "appropriate city official." Whenever the appropriate city official of such city shall find that any building, structure, part of building or structure, party wall or foundation situated in any such city is unsafe to the extent that it is a public nuisance, such official shall give the person or persons, firm, association or corporation last assessing the property for state taxes notice by personally serving upon such person, firm, association or corporation a copy of said notice to remedy the unsafe or dangerous condition of such building or structure, or to demolish the same within a reasonable time set out in said notice, which time shall be not less than sixty days or suffer such building or structure to

be demolished by such city and the cost thereof assessed against the property. In the event that such personal service is returned "Not Found" after not less than two attempts, such notice may be given by registered or certified mail. The mailing of such registered mail notice, properly addressed and postage prepaid, shall constitute notice as required herein. Notice of such order, or a copy thereof, prior to the delivery or mailing of the same as required by the immediately preceding sentence, shall also be posted at or within three feet of an entrance to the building or structure, provided that if there is no entrance such notice may be posted at any location upon such building or structure.

Section 3. Within the time specified in such notice, but not more than sixty days from the date such notice is given, any person, firm or corporation having an interest in such building or structure may file a written request for a hearing before the city governing body, together with his objections to the finding by the appropriate city official that such building or structure is unsafe to the extent of becoming a public nuisance. The filing of such request shall hold in abeyance any action on the finding of such city official until determination thereon is made by such governing body. Upon holding such hearing, which hearing shall be held not less than ten nor more than sixty days after such request, or in the event no hearing is timely requested, the governing body, after the expiration of sixty days from the date such notice is given, shall determine whether or not such building or structure is unsafe to the extent that it is a public nuisance. Notice of such meeting of the governing body, and that such determination will be made thereat, shall be published one time in a newspaper of general circulation in such city, not less than ten days prior thereto. In the event that it is determined by such governing body that such building or structure is unsafe to the extent that it is a public nuisance, the governing body shall order such building or structure to be demolished. Such demolition may be accomplished by such city by the use of its own forces, or it may provide by contract for such demolition. Such city shall have authority to sell or otherwise dispose of salvaged materials resulting from such demolition.

Any person aggrieved by the decision of the governing body at such hearing may, within thirty days thereafter, appeal to the Circuit Court upon filing with the clerk of said court notice of said appeal and bond for security of costs in the form and amount to be approved by the Circuit Clerk. Upon filing of said notice of appeal and approval of the bond, the clerk of the court shall serve a copy of said notice of appeal on the city clerk and said appeal shall be docketed in said court, and shall be a preferred case therein. The city

clerk shall, upon receiving such notice, file with the Circuit Clerk a copy of the findings and determination of the governing body in proceedings, and trial shall be held without jury upon the determination of the governing body that such building or structure is unsafe to the extent that it is a public nuisance.

Section 4. Upon demolition of such building or structure, the appropriate city official shall make report to the governing body of the cost thereof, and such governing body shall adopt a resolution fixing the costs which it finds were reasonably incurred in such demolition and assessing the same against the property; provided, however, the proceeds of any monies received from the sale of salvaged materials from said building or structure shall be used or applied against the cost of the demolition; and provided, further, that any person, firm or corporation having an interest in said property may be heard at such meeting as to any objection he may have to the fixing of such costs or the amounts thereof. The city clerk of such city shall give not less than fifteen days notice of the meeting at which the fixing of such costs are to be considered by publication in a newspaper of general circulation in such city of a notice that the governing body of such city at such meeting will consider the fixing of such costs thereat. The fixing of said costs by the governing body shall constitute a special assessment against 'the lot or lots, parcel or parcels of land upon which the building or structure was located, and thus made and confirmed shall constitute a lien on said property for the amount of such assessment. Said lien shall be superior to all other liens on said property except liens for taxes, and shall continue in force until paid. The city clerk of the city shall mail a certified copy of the resolution by registered or certified mail to the person last assessing the property for taxes, and a certified copy of such resolution shall be published in the manner and as prescribed for the publication of municipal ordinances, and a certified copy of such resolution shall also be filed in the office of the Judge of Probate of the county in which such city is situated.

Section 5. The city shall have the power to assess the costs authorized herein against any lot or lots, parcel or parcels of land purchased by the State of Alabama at any sale for the non-payment of taxes, and where any such assessment is made against such lot or lots, parcel or parcels of land, a subsequent redemption thereof by any person authorized to redeem, or sale thereof by the state, shall not operate to discharge, or in any manner affect the lien of such city for such assessment, but any redemptioner or purchaser at any sale by the state of any lot or lots, parcel or parcels of land upon which an assessment has been levied, whether prior to

or subsequent to a sale to the state for the nonpayment of taxes, shall take the same subject to such assessment.

Section 6. Payment of any such assessment shall be made in the manner and as provided for the payment of municipal improvement assessments in the provisions of Title 37, Section 557, Code of Alabama 1940, as the same has heretofore or may hereafter be amended, and upon the property owner's failure to pay such assessment the officer designated by the city to collect such assessments shall proceed to collect the assessment as provided in the provisions of Title 37, Section 558-569, Code of Alabama 1940.

Section 7. This act shall be cumulative in its nature, and in addition to any and all power and authority which any such city may have under any other law.

Section 8. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 5:25 P.M.

Act No. 734 H. 1819—Hearn, King, Grainger, Hale, Lutz
AN ACT

To create two additional positions of Assistant District Attorney for the Twenty-third Judicial Circuit of Alabama. Applicable to the Twenty-third Judicial Circuit; to allow the appointment of two additional Assistant District Attorneys.

Be It Enacted by the Legislature of Alabama:

Section I. Two additional Assistant District Attorneys shall be appointed by and shall serve at the pleasure of the District Attorney of the Twenty-third Judicial Circuit, in the same manner as all other Assistant District Attorneys of said circuit. The additional Assistant District Attorneys provided for by this section shall have and exercise all the jurisdiction, powers, rights, and authority conferred upon other Assistant District Attorneys of this State.

Section II. The compensation of the additional Assistant District Attorneys shall be an annual salary from the State in the same amount as the other Assistant District Attorneys

of this Circuit, and a county supplement to be determined by the Personnel Board of Madison County under the provisions of the merit system, and paid from the general fund of the county.

Section III. This Act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved August 30, 1973.

Time: 5:25 P.M.

Act No. 735 H. 1820—King, Grainger, Lutz, Hale, Hearn
AN ACT

To fix the supplemental salaries of circuit judges in the Twenty-third Judicial Circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. Each of the circuit judges of the Twenty-Third Judicial Circuit composed of Madison County, Alabama, shall be paid as a supplemental salary to that paid by the State, from the general funds of the county, in equal monthly installments, a sum equal to 40% of the salary paid said judges by the State of Alabama. The governing body of Madison County is hereby authorized, empowered and directed to pay the supplemental salary provided herein to each such circuit judge out of the funds of the county or any other funds as may be available for such purpose; and such salary shall be in addition to any other salary, compensation, allowance, or expenses provided by law but shall be in lieu of any other supplemental salary paid by the county.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 5:25 P.M.

Act No. 736 H. 1821—Hale, Hearn, Lutz, King, Grainger
AN ACT

To provide for supplementing the salaries or compensation paid to retired or supernumerary Circuit Judges in the Twenty-Third Judicial Circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. Any supernumerary Circuit Judge or retired Circuit Judge in any judicial circuit now or hereafter composed of any one county and having not less than four nor more than six Circuit Judges shall be entitled to receive as additional compensation payable from the treasury of the county, a sum equal to 40% of the compensation paid said judge by the state of Alabama. The salaries or compensation provided for herein is supplementary to the salaries or compensation paid such judges by the state and shall be paid out of the general funds of the county in twelve equal monthly installments on warrants properly drawn against such funds.

Section 2. This act shall become effective February 1, 1975.

Approved August 30, 1973.

Time: 5:25 P.M.

Act No. 737

H. 1826—Coshatt

AN ACT

To alter or rearrange the boundary lines of the Town of Ashville, St. Clair County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits, and also certain other territory in St. Clair County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the Town of Ashville, St. Clair County, Alabama, be and the same are altered or rearranged so as to include within the corporate limits of said town, all territory now within such corporate limits, and also other territory within St. Clair County, Alabama, described as follows:

The NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ and the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ and SE $\frac{1}{4}$ of the SW $\frac{1}{4}$, all of Section 7, Township 14 South, Range 4 East; and the SE $\frac{1}{4}$ of Section 12, Township 14 South, Range 3 East. All the above described lands situated in St. Clair County, Alabama, and being contiguous and adjacent to the present boundary lines of the said Town of Ashville, Alabama.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 5:25 P.M.

Act No. 738

H. 1842—Crowe

AN ACT

To revise and re-enact Act No. 1504, S. 1103, Regular Session 1971, (Acts 1971, page 2589, Vol. IV), entitled "Relating to counties having populations of not less than 55,500 nor more than 56,500 inhabitants according to the most recent federal decennial census, fixing the fee for issuance of a pistol permit by the sheriff, and providing for the disposition and use of such fees."

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 55,500 nor more than 56,500 according to the most recent federal decennial census, the fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about the person as provided in Code of Alabama Title 14, Section 177, shall be five dollars and fifty cents (\$5.50), which shall be collected by the sheriff and deposited in the county treasury. The fee shall be credited to the general fund. Two thousand (\$2,000) per year of said fee shall be credited to the law enforcement fund for matching funds and general up grading of law enforcement in said county.

Section 2. The base salaries of the aforementioned law enforcement personnel and jail employees shall be:

Chief deputy	\$675.00 per month
Each deputy	\$625.00 per month
Jailors	\$495.00 per month
Jail Cooks	\$320.00 per month

These salaries are subject to increases authorized by the said county governing body.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 5:25 P.M.

Act No. 739

H. 1846—Coshatt, Reid (R)

AN ACT

Relating to the 30th judicial circuit, allocating the state appropriation for deputy district attorney.

Be It Enacted by the Legislature of Alabama:

Section 1. The district attorney of the 30th judicial circuit shall use any money received from the state for deputy district attorneys to supplement the salaries of the deputy district attorney or county solicitor of the counties comprising the circuit. Said money shall be divided equally between the counties and be used to replace money presently appropriated from the respective county general funds. Nothing in this act shall be construed to increase or decrease the compensation of said county solicitors or deputy district attorneys.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 5:25 P.M.

Act No. 740

H. 1859—Manley, Pruitt

AN ACT

To authorize and provide for the establishment of ambulance service for the sick, infirm and injured in Perry County.

Be It Enacted by the Legislature of Alabama:

SECTION 1. The governing body of incorporated municipalities in Perry County, the governing body of any public hospital in Perry County, and the Perry County Commission or other like governing body of the county, may jointly or severally, establish within the county, or within any town or city in the county, an ambulance service for the benefit of the sick, infirm or injured, and may make all needful rules and regulations for control and management of such service. The above named governing bodies may jointly or severally enter into any agreement or contract with any individuals or company to provide such service, and may appropriate public funds for such purpose.

SECTION 2. The provisions of this Act are cumulative.

SECTION 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

SECTION 4. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 5:25 P.M.

Act No. 741

H. 1860—Crowe

AN ACT

Relating to counties having populations of not less than 55,500 nor more than 56,500 according to the most recent federal decennial census, providing for an additional expense allowance for members and chairman of the governing bodies of such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. The chairman and members of governing bodies of counties having populations of not less than 55,500 nor more than 56,500 according to the most recent federal decennial census shall be entitled to and shall receive an additional annual expense allowance of \$1800, payable in equal monthly installments from the general funds of such counties to which this act applies; and said allowance shall be in addition to any and all such allowances now or hereafter provided by law.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 5:25 P.M.

Act No. 742

H. 1904—Turnham

AN ACT

Creating the office of Assistant District Attorney in the Thirty-seventh Judicial Circuit; and providing for his appointment, duties and compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. The office of Assistant District Attorney of the Thirty-seventh Judicial Circuit is hereby created. Such Assistant District Attorney shall be appointed by and shall serve

at the pleasure of the District Attorney of the Thirty-seventh Judicial Circuit.

Section 2. Such Assistant District Attorney shall be invested with all the rights, powers, privileges, immunities, obligations and responsibilities of the District Attorney. He, however, shall perform the duties of his office under the direction and control of the District Attorney.

Section 3. Nothing contained herein shall be construed to prohibit the Assistant District Attorney from practicing law, except that neither the Assistant District Attorney, nor any member of any law firm with which he is affiliated, shall represent or defend as attorney any defendant in any criminal case in any court of the State of Alabama or of the United States.

Section 4. The Assistant District Attorney shall be provided, at the expense of the county constituting said circuit, with adequate and suitable office space, and with such equipment and supplies, including office furniture, telephone, typewriter, stationery, and stamps, as may be necessary for the proper and efficient discharge of the duties of his office.

Section 5. The Assistant District Attorney of the Thirty-seventh Judicial Circuit shall be paid by the county composing said circuit an annual salary of nine thousand six hundred dollars (\$9,600.00) payable in equal monthly installments from the general funds of said county.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. All laws or parts of laws which conflict with this Act are repealed.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 5:25 P.M.

Act No. 743

H. 1910—Crowe, Naramore

AN ACT

Relating to counties having populations of not less than 55,500 nor more than 56,500 according to the most recent federal decennial census; to further provide for the classification of certain lunchroom employees of boards of education of such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. Any person who is employed in any capacity by any county board of education in the operation of a lunchroom in any public school in any county having a population of not less than 55,500 nor more than 56,500 according to the most recent federal decennial census shall upon completion of two years of satisfactory employment be reclassified by the county board of education as an assistant to the manager of the lunchroom.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 5:25 P.M.

Act No. 744

H. 1911—Crowe, Naramore

AN ACT

Relating to counties having populations of not less than 55,500 nor more than 56,500 according to the most recent federal decennial census; to provide that any county employee who has become a member and participates in the State Employees' Retirement System shall be allowed prior service credit for any time served as an employee of the State of Alabama prior to such membership.

Be It Enacted by the Legislature of Alabama:

Section 1. Any county employee in any county having a population of not less than 55,500 nor more than 56,500 according to the most recent federal decennial census who has become a member and participates in the State Employees' Retirement System shall be allowed prior service credit for any time served as an employee of the State of Alabama prior to such membership.

Section 2. The County Commission of such counties is hereby authorized to appropriate out of the general fund of the county such amount or amounts as may be necessary to pay its share of contributions toward the retirement benefits for such county employees.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 5:25 P.M.

HOUSE JOINT RESOLUTION

"WHEREAS, through more than 150 years the Legislature of Alabama has sought to recognize and honor distinguished sons of this great State who have in the character and magnitude of their contributions indelibly impressed their mark forever upon the peoples who live here, not only in their own time but also in the years to come.

Frank Park Samford is such a man, and this Legislature seeks to pay him tribute. He carries the name of one of Alabama's most illustrious families whose works have been known in service to the State and its people in many ways. His grandfather, William J. Samford, sat in the Constitutional Convention of Alabama in 1875 and died while holding the office of Governor of this State to which he was elected in 1900. His father, William Hodges Samford, sat on the Alabama Constitutional Convention in 1901, and later served for almost thirty years as a distinguished jurist on the Alabama Court of Appeals. Worthy and high the honor and service of those who came before him, they cannot exceed those which he himself deserves in the outstanding contributions to his fellow citizens and to this State.

A native of Troy and a graduate of Auburn University, Frank Park Samford began his distinguished career in the life insurance business in 1914 when he became the first Deputy Insurance Commissioner of Alabama. Upon leaving the office of the Regulator he joined a small struggling fraternal benefit society by the name of Heralds of Liberty and this year retired as Chairman of the Board of Liberty National Life Insurance Company, the successor to Heralds of Liberty, and one of the twenty largest stock life insurance companies in the United States. It is the largest life insurance company in Alabama and Alabama's largest financial institution. With its Home Office in Birmingham the company is licensed to do business in thirty-four states and the District of Columbia. Nearly 1,000 persons are employed in its Home Office and an additional 1,500 persons work out of its 70 district offices located throughout the State of Alabama. Though life insurance has been his business, his career has been to serve the people of this State in many ways. He has served as United Appeal Chairman of Jefferson County Community Chest, as a member of the Birmingham Housing Authority, President of Jefferson County TB Sanitarium, State Vice Chairman of the War Finance Committee in World War II, Chairman of Christmas Seal Campaign, Chairman of fund raising campaign to secure the U.S.S. Alabama Battleship for Mobile in

1964. He has served as Director of the Birmingham YMCA and YWCA; on the Board of Directors of Birmingham Baptist Hospitals; for many years as a Trustee of Auburn University and Chairman of the Board of Trustees of Samford University, an institute of higher learning in Birmingham with an enrollment of more than 3,000 men and women from all parts of the country, who attest his interest. Hospitals, religious organizations, and other charities have known his work and received his gifts.

Birmingham recently celebrated its Centennial and the citizenry selected him as the "Greatest Businessman in Birmingham's First Century." "Man of the South" and "Man of the Year" he has been designated by various organizations. The Alabama Broadcasters Association named him "Citizen of the Year." He has been named to the Academy of Honor of the State of Alabama, honored by the Alabama Sheriff's Boys Ranch, awarded the Gold Medal of Merit by the Veterans of Foreign Wars, given the Valor Award for Outstanding Service to Boyhood by the Birmingham, Alabama Council of the Boy Scouts of America. Howard College of Birmingham, Auburn University and the University of Alabama have bestowed upon him honorary Doctor of Laws degrees.

Atop the Home Office building of his Company stands a 31 feet high, 20,000 pound replica of Bartholdi's Statue of Liberty. Her lighted torch over the skyline of the city serves as a visible and vigilant reminder of our heritage of freedom, a project worthy of special commendation by Freedom Foundation at Valley Forge for its contribution to the remembrance of the ideals of our founding fathers. Through the concern of Frank Park Samford over 200 public schools and libraries throughout this State have received the great documents of freedom published by the American Bar Association in 1959 as the "Sources of Our Liberties." The Magna Carta and Bill of Rights are to Frank Park Samford more than ancient documents from other days; they are eternal verities for all people for all time.

He has been friend and advisor to those who serve in high office and friend and advisor to those who serve in less lofty places. In all he has served this State and its peoples in a manner befitting this recognition.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we hereby honor Frank Park Samford on his 80th birthday on November 1, 1973 and hereby declare that November 1 of each year be designated "Frank Park Samford Day" to honor the work of this worthy son, to recognize his

contributions and his achievements, and to serve as an inspiration for those who now serve and who yet may serve this State in similar ways in high places and noble achievement."

Approved August 30, 1973.

Time: 4:45 P.M.

Act No. 746

S. 75—King

AN ACT

To amend Act No. 803, H. 1258 of the Regular Session of 1961 (Acts of 1961, p. 1166), an Act which applies in counties having a population of 500,000 or more inhabitants, according to the last or any subsequent federal census, wherein the use of voting machines has been or shall be authorized, amending such Act so as to provide further for the time and manner of commencing contest of elections and providing for the breaking of the seal on voting machines and the making of records of the count thereof when such machines are needed for subsequent elections.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 803, H. 1258 of the Regular Session of 1961 (Acts 1961, p. 1166), an Act which applies in counties having a population of 500,000 or more inhabitants, according to the last or any subsequent federal census, wherein the use of voting machines has been or shall be authorized; to provide for the time and manner of commencing contest in certain elections in such county and to provide for the length of time the seal of such voting machines shall remain unbroken subsequent to its use in any election, is hereby amended to read as follows:

"Section 2. Any contest of the results of any general, special, or primary election, including any district, municipal, county, state, or federal election held in any county in which this Act is effective, must be commenced within five days after the results of the elections have been declared; except that nominations for all officers, except county officers may be contested within fifteen days after the result of the election has been declared. Voting machines used in any election shall remain locked and sealed, except as otherwise provided by law, during the time provided herein for the filing of contest in any election in any such county. If, however, any voting machine is needed for another election, the custodian, or other official charged with the responsibility of preparing the voting machines, may, after complying with all other provisions of law, open the machines and break the seal at any time after the five-day contest period for county officers, for the pur-

pose of preparing the machines for a subsequent election; provided, however, that the seal on such machine or machines shall not be broken except in the presence of the probate judge of such county and, where that position may be involved in any such contest, in the presence of the presiding judge of the circuit court of such county. In all such cases the counters of the machines shall be photographed and the probate judge or the presiding judge of the circuit court, as the case may be, shall retabulate and record the vote reflected on each such machine. Such photograph, recordation, tabulation and all election records taken from the machines shall be put into an envelope or package, securely sealed, and on the outside thereof labelled in such manner as to indicate plainly the machine from which they were removed and the month, day, and year of the election of which they are records. The custodian or other official charged with the responsibility of preparing the machine for another election and the judge of probate or circuit judge, as the case may be, shall each certify to the accuracy of the record of the numbers on the counters of the machine and shall certify that the photograph is of that particular machine; and each of them shall sign the envelope or package across the seal. Such sealed envelope or package shall be filed in the office of the probate judge of such county and be admissible in any such contest proceedings."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 5:25 P.M.

Act No. 747 S.J.R. 86—Bailes, Vacca, Hawkins, Gilmore,
King, Dominick, Cook, Lybrand

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF MERVYN HAYDEN STERNE

WHEREAS, our creator, in his infinite wisdom, has seen fit to recall to his kingdom the soul of our beloved and distinguished friend, Mervyn Hayden Sterne. Mr. Sterne, age 81, was a leader in business and civic activities in Birmingham and the State; and

WHEREAS, Mervyn Sterne always conducted himself, both professionally and privately, in such a manner as to

demonstrate those qualities of character which we would all do well to emulate; his dignity, integrity, ability and devotion to duty were of the highest quality; and

WHEREAS, he gave unselfishly of life and commitment to his state and his community. He was a successful investment banker, being the senior member of the investment banking firm of Sterne, Agee and Leach for over forty years. He was particularly helpful in making a market for the State of Alabama bonds; his firm having bought and sold more State of Alabama securities than any other investment firm in Alabama. Along with his other activities, he served on the board of directors of the Alabama By-Products Corporation, Birmingham; of the Ensley Company, Ensley, Alabama; of Avondale Mills, Sylacauga; of the Classe Ribbon Company; Ramsay-McCormack Land Company; Hayes International Corporation and he served as Vice President and Director of the Alabama Chemical Products Company of Birmingham; and

WHEREAS, throughout his life he was active in civic and cultural affairs. He served as a Community Chest United Appeal board member and volunteer for over forty years. Mervyn Sterne built the Holy Family Hospital; was chairman of the Birmingham Library Board; was vice chairman of the Museum Board; was president of the United Jewish Fund and was a trustee at Birmingham-Southern College. In 1948, he served as chairman of the joint appeal fund-raising for Howard College and Birmingham-Southern College which exceeded its goal by one million dollars. During the 1960's, he undertook leadership of a fund-raising campaign for Miles College which, in 1973, honored him as the recipient of the school's "Outstanding Citizen's Award"; and

WHEREAS, Mervyn Hayden Sterne was a true Southern gentleman ever ready to contribute to the needs of his neighbors. His life serves as an example and as an example and guiding star for all our people; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body mourns the loss of one of Alabama's great citizens, Mervyn Hayden Sterne, and expresses its deepest sympathy to his family and loved ones.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to members of his family.

Approved August 30, 1973.

Time: 5:25 P.M.

Act No. 748

S.J.R. 87—Wilson

SENATE JOINT RESOLUTION

COMMENDING MARTIN GRIMES ON HIS EXCELLENT BOOK, "TURNIP GREENS AND SERGEANT STRIPES"

WHEREAS Martin Grimes, a native of Bradleytown, Alabama, has written a brilliant, comical and hilarious book, "Turnip Greens and Sergeant Stripes", which is about growing up in the South in the lean years of the depression and thereafter; and

WHEREAS his zany 79-word "Southern Vocabulary or Correct English" with such listings as sud'en ("Rat now or quick-like") and sho' ("True; or the bank of a creek. Also a 'picture sho'") sends the reader on a laughing fit; and

WHEREAS this body wishes one of its native sons much success in his new career as a writer. Mr. Grimes retired in 1962 after a long and successful career in the United States Army in which he was awarded several decorations; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body wishes a native son, Martin Grimes, much success with his book "Turnip Greens and Sergeant Stripes" and we hope that the future will bring many more humorous "Tall Tales" from his talented pen.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Martin Grimes.

Approved August 30, 1973.

Time: 5:25 P.M.

Act No. 749

H. 960—Coshatt

AN ACT

Relating to St. Clair County, to provide for and create the St. Clair County Racing Commission for the regulating, licensing, and supervision of greyhound racing, and wagering thereon; to prescribe the composition, appointment, terms of office, powers, and duties of the commission; to authorize and empower Racing Commission to issue revenue bonds for purpose of acquiring land and construction of race tracks; to prescribe certain qualifications for applicants for licenses; to provide for and regulate the pari-mutuel method of wagering within the enclosure of licensed race tracks; to provide for the levying of a special gross receipt tax on items sold on premises and the distribution thereof; to prescribe certain rules and regulations in addition to those that may be promulgated by the Racing Commission; to provide for the distribution

and appropriation of license fees, taxes, commissions, and other monies received under the provisions of the act; to provide for the refinancing or retirement of the bonds of indebtedness on the St. Clair County Hospital; to provide for the creation of a scholarship trust fund and administration thereof; to provide certain penalties for the violation of this act and for other purposes relative thereto; to further define the intent of the act, and to provide for a referendum of the voters of the county on the question of whether the act will become effective in the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The St. Clair County Racing Commission is hereby created and established, and is vested with the powers and duties specified in this act, and all other powers necessary and proper to enable it to execute fully and effectually the purposes of this act. The Commission shall consist of three (3) members; one (1) to be appointed by the St. Clair County Commission; one (1) to be appointed by the St. Clair County Board of Education; and one (1) to be appointed by the St. Clair County Legislative delegation. The original members shall serve terms as follows; one (1) for a term of two (2) years; one (1) for a term of four (4) years; and one (1) for a term of six (6) years. The members shall draw by lot at the first meeting of the commission to determine their respective terms. Hereafter, each term shall be for a term of six (6) years. The commissioners shall select from among their members, a chairman, vice-chairman, and a secretary. The secretary shall keep a record of all proceedings of the commission and shall preserve all books, maps, documents, papers, and records entrusted to the commission's care. The commission shall maintain an office in either courthouse in St. Clair County that they determine to be more convenient or feasible, and may maintain branch offices elsewhere in the county when the proper functioning of the commission's business so requires. A majority of the commission shall constitute a quorum for all purposes. The chairman shall preside at all meetings of the commission provided, however, in his absence, the vice-chairman shall preside.

Section 2. Should one of the appointing authorities fail to make its appointment to the commission within thirty (30) days after this act becomes operative the two remaining appointing authorities shall make the appointment. In the event a vacancy occurs and the respective appointing authority fails to appoint a qualified person to the commission within thirty (30) days, the two remaining appointing authorities shall make the appointment to fill the vacancy. A commission member may be removed at the request of the respective appointing authority for just cause, provided that such request is made in writing setting forth the reasons for removal and a copy

of the request is sent to and concurred in by the other two appointing authorities.

Section 3. The members of the commission shall be qualified electors not less than twenty-five years of age, who shall have resided in St. Clair County for the period of five years next preceding their appointment, and each Commissioner shall take the same constitutional oath of office as other county officers, and shall give bond payable to St. Clair County in the amount of five thousand dollars (\$5,000), conditioned that he will faithfully and properly perform the duties of his office. The premiums on such bonds shall be paid by the commission. The commission may employ such assistants and employees as may be necessary, and fix their compensation in such amounts as the county governing body may approve. Such employees shall be subject to the provisions of the act providing for the St. Clair County Personnel Appeals Board. A member of the commission must not be an official, member of any board of directors, or person financially interested in any race track or race meeting licensed by the commission, nor shall he race greyhounds in any race meeting licensed by the commission.

Section 4. The compensation of each member of the commission shall be one hundred dollars (\$100.00) per month. One member of said commission shall be required to be in attendance at each racing event, and said designated member shall receive an additional thirty dollars (\$30.00) per diem while engaged in the performance of his duties. The above sums shall be paid out of the funds in the county treasury deposited to the credit of the County Racing Commission, and shall be paid to the commissioners in the same manner as the compensation of other county officers is paid.

Section 5. The racing commission herein created is authorized and empowered to issue revenue bonds for the purpose of land acquisition and for the construction of a race track or tracks in St. Clair County. Proceeds from lease payments on the track or tracks shall be used to retire said revenue bonds. The racing commission herein created shall not be abolished so long as there are outstanding bonds of indebtedness that were issued and secured by the lease payments or by revenue to be derived from the provisions of this act.

Section 6. The County Treasurer of the County shall be ex officio treasurer of the Racing Commission, and shall collect all the license fees, taxes, and monies provided in this act, and shall supervise, check and audit the operation of the parimutuel wagering pools and the conduct and distribution thereof. The County Treasurer may be compensated for these addi-

tional duties in an amount set by the county governing body, and such compensation shall be paid out of the monies deposited to the credit of the Racing Commission prior to distribution of monies as later provided for in this act. Any expense incurred by the treasurer relating to duties performed as ex officio treasurer may also be paid out of the monies deposited to the credit of the Racing Commission prior to distribution of monies as later provided for in this act. Bond for the ex officio treasurer may be adjusted and set for these additional duties by county governing body.

Section 7. An applicant for a license to erect or operate a race track in St. Clair County under the provisions of this act shall be a corporation, incorporated in St. Clair County. Said corporation must disclose at the time of filing of its application the amount of stock issued and the names of all stockholders and the amount of stock owned by each. A minimum of sixty per cent of said stock must be owned by residents of St. Clair County who must have resided in St. Clair County for a period of five years. The records of said corporation shall be open to the Racing Commission and if any time less than sixty per cent of the stock is owned by county residents as specified above, said corporation shall forfeit its license to operate under the provisions of this act. The provisions of this section may be waived, should they prove impractical, upon the request of the Racing Commission with the concurrence of a majority of their appointing authorities. For purpose of this act the appointing authorities shall be defined as follows: (1) St. Clair County Commission, (2) County Board of Education, and (3) County Legislative Delegation. For the purpose of waiving the provisions of this section each of the above mentioned authorities shall be entitled to one vote making a total of three votes.

Section 8. It shall be the duty of the County Racing Commission to carry out the provisions of this act; and it shall have the following specific duties;

(1) To fix and set the dates upon which race meeting may be held or operated.

(2) To make an annual report to the County Commission of its operation, showing its own actions and rulings, the receipts derived under the provision of this act, and such suggestions as it may deem proper for the more effective accomplishment of the purpose of this act.

(3) To require each applicant, who must meet the requirements of Section 7, to set forth on its application for a license to operate a race meeting the following information;

(a) The names of the stockholders and directors of the corporation.

(b) The exact location where it is desired to conduct or hold a race meeting and preliminary plans showing the site topography, the type of construction, the track design and concession plans together with a statement of the assets and liabilities of the corporation making such application. An application may be approved subject to approval of detailed construction plans and specifications when prepared.

(c) Whether the racing plant is owned or leased, and if leased, the provisions of Section 7 of this act shall apply to said corporation offering the racing plant for lease, provided, however, that nothing in this act shall prevent a corporation from applying to the commission for a permit to conduct races where the racing plant has not been constructed.

(d) The kind of racing to be conducted and the dates requested.

(e) Such other information as the commission may require.

(4) To require an oath of every applicant by its president stating that the information contained in the application is true.

(5) To make uniform rules and regulations governing the holding, conduction, and operating of all race tracks, race meetings, and races held in St. Clair County.

Section 9. All books, records, maps, documents, and papers of the commission, including those filed with the commission as well as those prepared by or for it, shall at all times be open for the personal inspection of any officer of the State of Alabama, or of the county, municipality within St. Clair County, or of any official investigative body or committee and no person having charge or custody thereof shall refuse this right to any officer or investigative body or committee, and it shall be the express duty of such person to assist such officer or committee in locating records or information desired by them. Any member or employee of the commission who violated the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not more than one hundred dollars (\$100.00) or imprisoned in the county jail not exceeding three months. If any member of the commission violates the provisions of this section, he shall be subject to removal from office.

Section 10. Any corporation desiring to operate a race track in this county shall have the right, subject to the pro-

visions of this act, to hold and conduct one or more race meetings at such track each year provided that no such license shall be granted to corporation, or to any track, for a period of not less than one hundred (100) racing days, and not more than one hundred fifty (150) racing days in any one year. Said dates shall not be required to be consecutive, and a racing day may include a matinee performance. No race or racing shall be permitted on Sundays. No person under the legal voting age shall be employed in any manner about said race track except as exercise boys and grooms; nor shall persons under eighteen years of age be permitted to attend any race.

Section 11. The Racing Commission may extend said limitations of time for greyhound racing not to exceed two (2) days at any one track beyond the period otherwise provided by law so that any such track may conduct a charity day of racing for any one or more recognized charities in St. Clair County. The total of all profits derived from the operation of such racing on such charity days including all monies which would otherwise be received by the Racing Commission as taxes for such day's operations shall be and become a part of the charity trust fund for which such racing on such days is conducted. The charity trust fund shall be administered as directed by the county governing body.

In determining profits derived from such racing on such charity days, which profits shall include all taxes payable to the county or any agency thereof for such days' operations. Said tracks shall only be entitled to deduct from the profits accruing from all receipts on such charity days of racing their actual operating costs, which costs shall be those expenses incurred by the race track solely by reason of holding said charity days of racing and shall not be deemed to include such expenses constant from day to day and which would have been incurred had the race on that day not been held, including, but not limited to, such items as capital expenditures, interest on debts, real estate taxes and annual license fee, donations, bad debts, and such other items of daily or prorated expense as the Racing Commission may by rule prescribe.

Section 12.

(a) On or before the first day of October of each year, any corporation possessing the qualifications prescribed in this act shall have the right to apply to the commission for a permit or license to conduct race meetings and racing under the act. On or before the first day of January of each year, after the receipt of any such application, the commission shall convene to consider and act upon all permits or licenses applied

for. Approved permits or licenses shall be granted for a period of not less than one year from the date of issuance and shall set forth, in addition to any other information prescribed by the commission, the name of the licensee the location of the race track, the duration of the race meeting and the kind of racing desired to be conducted, and shall show the receipt by the commission of a performance bond in the amount of fifty-thousand dollars (\$50,000) to guarantee the operation of said race meeting. No such license is transferable, nor shall it apply to any other place, track, or enclosure except the one specified in this license.

(b) The commission shall not issue any licenses which would permit any two race tracks in the County to operate on the same racing days. Further, after the first license has been issued to the licensee, subsequent applications for renewal shall be accompanied by proof (in such form as the commission may require) that said licensee still possesses the qualifications set out in this act. Such applications for renewal of license shall not be denied except for due cause.

(c) Eighty percent (80%) of the employees of said track must be bona fide resident citizens of St. Clair County, Alabama.

Section 13. The commission may revoke the license of any licensee conducting a race meeting, upon the violation of any of the provisions of this act, or any rule or regulation promulgated by the commission or may invoke a fine not to exceed one thousand dollars (\$1,000.00) per offense in lieu thereof.

It is unlawful for any licensee under this act, directly or indirectly, to make any contribution whatsoever to any political party or to any candidate for any State, County or Municipal office, and upon proof being presented of any such contribution having been made, the commission shall immediately and permanently revoke the license of such licensee. No disciplinary action may be taken hereunder until the licensee has been presented with notice in writing specifying the time and place of a disciplinary hearing, said notice setting out in substance the nature of the accusation, and inviting the licensee to appear, with or without counsel, as the licensee may decide, the licensee being afforded an opportunity to face and examine his accusers, call witnesses, and testify if he so chooses.

Section 14. The commission is empowered to compel the production of any and all books, memoranda, or documents showing the receipts and disbursements of any corporation li-

censed to conduct race meetings under the provisions of this act. The commission may, at any time, require the removal of any employee or official employed by any licensee hereunder whenever it has reason to believe that such employee or official is guilty of any improper practice in connection with racing, has failed to comply with any condition of the license, or has violated any rule adopted by the commission. The commission shall have the power to require that the books and financial or other statements of any licensee be kept in a manner and method provided by the commission; and the commission shall be authorized to visit, investigate, and place auditors and inspectors in the offices, tracks, or place of business of any corporation licensed under this act. The commission shall have the power to summon witnesses before its meetings; to administer oaths to such witnesses, and to require testimony on any issue before it. Any person failing to appear before said commission, or failing to produce books, records, and documents ordered, or refusing to testify thereon, shall be deemed guilty of a misdemeanor, and upon conviction in a court of competent jurisdiction, shall be punished by a fine of not more than five hundred dollars (\$500.00), or by imprisonment not to exceed six (6) months, or by both fine and imprisonment in the discretion of the court.

Section 15. The commission shall have the power to grant, refuse, suspend, or withdraw licenses to all persons connected with race tracks, including gatekeepers, announcers, ushers, starters, officials, drivers, greyhound owners, agents, trainers, grooms, stable foremen, exercise boys, veterinarians, valets, sellers of racing forms or bulletins, and attendants in connection with the wagering machines, pursuant to such rules and regulations as the commission may adopt and upon the payment of a license fee as fixed and determined by the commission in accordance with the position and compensation of such person. Any license may be revoked by the commission, for good cause shown, and any person whose license is revoked shall be ineligible to participate in such occupation connected with racing unless the license is returned by the commission with permission to operate thereunder. The commission may deny or revoke a license to any person who has been refused or denied a license by any other state Racing Commission or racing authority.

Section 16. The commission shall make rules governing, permitting, and regulating the wagering on greyhound races under the form of mutuel wagering by patrons known as "Pari-Mutuel Wagering", which method shall be legal to the extent that, and so long as, the same is carried on and conducted strictly in conformity with this act, and not otherwise. Only

the persons or corporation receiving a license from the commission shall have the right or privilege to conduct this type of wagering and the licenses shall restrict and confine this form of wagering to a space within the race meeting grounds. All other forms of wagering on the results of greyhound races shall continue to be illegal, and any or all wagering outside of the enclosure of such races, where such races shall have been licensed by the commission, shall be illegal.

No person or corporation shall directly or indirectly purchase pari-mutuel tickets or participate in the purchase of any part of a pari-mutuel pool for another for hire or for any gratuity and no person shall purchase any part of a pari-mutuel pool through another, wherein he gives or pays directly or indirectly such other person anything of value. Any person violating this section shall be deemed guilty of a misdemeanor, and, upon conviction in a court of competent jurisdiction, shall be punished by a fine of not more than five-hundred dollars (\$500.00), or by imprisonment not to exceed six months, or both fine and imprisonment in the discretion of the court.

Section 17. Every licensee conducting race meetings under the provisions of this act, shall pay to the Ex Officio Treasurer of the Racing Commission for the use of the commission, a tax in an amount equal to six (6) per cent of the total contributions to all pari-mutuel pools conducted or made on any race track licensed under this act. The commission of a licensee on a pari-mutuel pool shall in no event exceed seventeen (17) per cent of the amount contributed to said pari-mutuel pool, which amount shall include the six (6) per cent tax heretofore provided. After the deduction of seventeen per cent (17%) for the use of the commission and the percentage commission of the licensee, the remainder of the total contributions to each pool shall be divided among the redistributed to the contributors to such pools betting on the winning greyhound. The amount of each redistribution for each winning bet placed shall be determined by dividing the total amount remaining in the pool after the deductions hereinabove provided for by the number of bets placed on the winning greyhound. Each redistribution shall be made in a sum equal to the next lowest multiple to ten. The odd cents of all redistributions to be known as the "breaks to a dime", and all monies represented by any unclaimed uncashed, or abandoned pari-mutuel tickets known as "outs" money shall be paid to the Ex Officio Treasurer of the Racing Commission, and shall be allocated in the same manner as other receipts paid to the Ex Officio Treasurer, and as hereinafter provided for in this act. Under the pari-mutuel system of wagering herein

provided, the licensee shall be permitted to provide separate pools for bets to win, place, and show, also a daily double pool, quiniela pool, perfecta pool, big quiniela pool (Big Q), big perfecta pool (Big P), twin double pool, tierce pool, perfecta tierce pool, and big tierce pool (Big T). Each pool, shall be redistributed separately as herein provided. Should there be no ticket bet on the winning greyhound, the entire pool will be divided among the holders of tickets on the greyhound running next in line until the pool has been redistributed to the contributors. The licensee shall be required to use a totalizator machine to record the wagering and compute the odds. Rules and regulations governing the operation of each of the pools shall be set out in book form by the St. Clair County Racing Commission. The licensee shall collect from each person attending the race meetings under the provisions of this act fifteen per cent (15%) of the established admission price or ten cents, whichever sum is the greater, as an admission tax. Licensees shall make payment of such taxes to the Ex Officio Treasurer of the Racing Commission every seventh calendar day of any and every race meeting, which payment shall be accompanied by a report on the races covered by such report and such other information as the commission may require. This tax shall be allocated in the same manner as the other taxes received under this act, and as hereinafter provided for in this act.

Section 18. If any free passes or complimentary cards shall be issued to guests by any licensee, such licensee shall nevertheless be responsible for payment of the admission tax upon such complimentary admission cards or passes as though they had been sold at the regular admission price. However, nothing herein contained shall be construed to prohibit the issuance of tax-free passes to officials and actual employees of the licensee, or other persons actually engaged in working at such track, including persons actually employed and accredited by the press or other news service; provided, that the issuance of all such tax-free passes shall be governed by the regulations and orders of the commission and a list of all such officers, employees, and news service representatives shall be filed with the commission.

Section 19. In addition to the above mentioned taxes, there is hereby levied an additional special gross receipt tax of two per cent (2%) on all items offered for sale within the confine and upon the premises of race tracks licensed under this act, including programs. This tax shall be paid to the Ex Officio Treasurer of the Racing Commission and shall be allocated in the same manner as other tax receipts hereinafter provided for in this act. This tax is due and payable by the 20th of month following the applicable tax month.

Section 20. The license fees, commission, and other taxes imposed herein shall be in lieu of all license fees, commissions and other taxes to the State of Alabama, of any county, city, town, or other political sub-division thereof. Provided, however, this does not exclude the payment of sales tax on applicable items to the State of Alabama, nor does it exclude tax on alcoholic beverages due the State of Alabama, and the County of St. Clair, nor does it exclude payment of any other taxes that is applicable and due the State and County on property both real and personal.

Section 21. In addition to other rules and regulations that may be promulgated by the Racing Commission the following shall be complied with by the licensee or operator of the race plant and employees thereof.

(a) A duly licensed Veterinarian shall be on the grounds at weighing time and make examination of the physical condition of each greyhound, and any dog not considered to be in good physical condition, shall be reported to the presiding official.

(b) An adequate security force shall be employed as prescribed by the Racing Commission. Members of security force shall have the same powers as other law enforcement officers of the county while performing their duties on the premises of the race track.

(c) An adequately equipped first aid room shall be provided within the enclosure of the track with a registered nurse on duty during racing hours.

(d) Public liability insurance shall be carried by the licensee or operator in an amount and with a company approved by the Racing Commission.

(e) All racing events shall be concluded by midnight.

(f) A pari-mutuel ticket shall not be sold to an individual who is visibly inebriated.

(g) All employees at the race track shall be licensed by the Racing Commission and shall submit a signed affidavit at time of employment that they meet the requirements of this act and of the Racing Commission herein created. Each employee shall be required to wear an identifying badge with his or her photograph and name thereon at all times while within or on the premises of the racing plant. Employees are prohibited from wagering and violators shall have their employment terminated.

Section 22. All fees, commissions, taxes, and other monies, including fines, and forfeitures, received under the provisions

of this act shall be paid to the treasurer of St. Clair County, and deposited by said treasurer in the county treasury to the account of the St. Clair County Racing Commission. All such monies remaining after payment of expenses incurred in the administration of this act, including the payment of the salaries and expenses of the members and employees of this commission shall be distributed on an annual basis as follows:

(a) Fifteen per cent (15%) or \$200,000 whichever is greater to the St. Clair County Hospital Board. It is the intent of this appropriation to eliminate the need for the levying and collection of the four mill property tax that is presently authorized and is being levied and collected for this purpose. Accordingly, the hospital board and/or the county governing body is hereby authorized and empowered to exercise one of two options (1) use whatever portion of this revenue necessary to refinance the bonds of indebtedness on the hospital or (2) deposit all of the above allocated revenue in an interest bearing escrow account until there is deposited a sufficient amount to retire the bonds of indebtedness on the hospital. In the event option number one is exercised, that portion of the revenue in excess of the amount necessary for debt service on the refinanced bonds shall be used to provide resident emergency medical staff, emergency medical service (ambulance) to the county, future expansion of said hospital or construction of other related health facilities and for the operation and maintenance of all such facilities. Should option number two be exercised and after which time the present outstanding bonds of indebtedness are retired, the revenue allocated herein to the Hospital Board shall be used to provide resident emergency medical staff, emergency medical service (ambulance), future expansion of present hospital, or construction of other related health facilities and the operation and maintenance of all such facilities. In the event the four mill hospital tax is not repealed by the voters of the county, none of the revenue allocated herein shall be paid to the hospital board, but shall be allocated in the same percentage basis as hereinafter provided for in this Section.

(b) Thirty-five percent (35%) of the monies remaining after the amount due the hospital board is paid shall be appropriated to the St. Clair County Board of Education for the construction, maintenance and operation of educational facilities in St. Clair County and the upgrading of instruction therein.

(c) Thirty per cent (30%) of the monies remaining after the amount due the hospital board is paid shall be appropriated to the municipalities of St. Clair County on a per capita basis according to the most recent population figures used by the

federal government for the purpose of revenue sharing, or if these figures are not available, the population figures according to the last federal census shall be used.

(d) Thirty-five per cent (35%) of the monies remaining after the amount due the hospital board is paid shall be appropriated to the general fund of St. Clair County to be allocated and spent in the following prescribed manner:

(1) Fifty per cent (50%) of this amount shall remain unearmarked and may be spent in any manner, provided by law, for the benefit of the citizens of St. Clair County, by the county governing body thereof.

(2) Ten per cent (10%) shall be used to develop and maintain water and sewer systems in the county.

(3) Six per cent (6%) to be appropriated to the St. Clair County Health Department for its use in meeting the health needs of the citizens of St. Clair County.

(4) Six per cent (6%) to be used for the general upgrading of the juvenile system of St. Clair County, for the detention and rehabilitation of juvenile offenders, and for the prevention and rehabilitation of drug users.

(5) Six per cent (6%) to be appropriated to the Park and Recreation Board of St. Clair County for the acquisition of land, construction, equipping, maintenance, and operation of recreational facilities in the county.

(6) Six per cent (6%) to be used by the county governing body to upgrade law enforcement in the county.

(7) Six per cent (6%) to be appropriated to the St. Clair County Library Board for the upgrading of the library system, and for the establishment and operation of an adequate county law library. The establishment of the law library shall be done with the advice and counsel of the St. Clair County Bar Association.

(8) Five per cent (5%) to be appropriated to the St. Clair County Industrial Development Committee for their use in promoting economic development of the county.

(9) Two and one-half percent (2½%) to be appropriated to the St. Clair County Historical Society for their use in restoring and preserving historic sites and buildings in the county and for the employment of an archivist for the county.

(10) Two and one-half per cent (2½%) to be placed in a scholarship trust fund and administered by a scholarship committee to be composed of three members, appointed

by the county governing body, the county board of education, and the legislative delegation of the county. Each to appoint one member and said member to serve at the pleasure of the appointing authority. The scholarship committee herein formed may make reasonable rules and regulations to facilitate the proper administration of this fund, provided, however, that priority for awarding of scholarships under the provisions of this section shall be given, but not limited, to applicants for health careers and shall be conditioned on their desire and intent to pursue said careers in St. Clair County.

Section 23. Any corporation, association, or person who directly or indirectly holds any greyhound race without having procured a license as prescribed in this act, shall be guilty of a misdemeanor. Any person wagering upon the results of such a race, except in the pari-mutuel or mutuel method of wagering when the same is conducted by a licensee and upon the grounds or enclosure of said licensee, shall be guilty of a misdemeanor. Any corporation, organization, association, or person who violates any provision of this act, for which a penalty is not expressly provided shall be guilty of a misdemeanor. Upon conviction of any of the above misdemeanors in a court of competent jurisdiction, the penalty shall be a fine of not less than one hundred dollars (\$100.00), nor more than one thousand dollars (\$1,000.00), or by imprisonment of not less than five days nor more than six months, or both, such fine and imprisonment to be in the discretion of the court.

Section 24. No person who engages in the practice of professional gambling on greyhound races, or in the practice of making gambling or wagering books on such races, or who knowingly takes any part in such practices, shall be eligible as an applicant for any license or permit to operate a race track or a race meeting under the provisions of this act, or to be connected therewith in any capacity and any association or corporation which as an officer, director, stockholder, executive, or employs any person who engages in such practices shall likewise be ineligible as a licensee, and the commission is hereby empowered to inquire into such matters in entertaining any such applications and otherwise in administering this act.

Section 25. Any person who shall influence or have any understanding or connivance with any owner, groom, or other person associated with or interested in any kennel, greyhound, or race in which any greyhound participates, to prearrange or predetermine the results of any such race, or any person who shall stimulate or depress a greyhound for the purpose of affecting the results of a race, shall be guilty of a felony and upon conviction thereof, shall be imprisoned in the state prison

for not less than one year nor more than ten years, or shall be fined not less than one thousand dollars (\$1,000.00) nor more than five thousand dollars (\$5,000.00) or both, in the discretion of the court.

Section 26. It shall be unlawful for any person to transmit or communicate to another by any means whatsoever the results, changing odds, track conditions, or any other information relating to any greyhound race from any race track in this county, between the period of time beginning one hour prior to the first race of the day and ending thirty minutes after the posting of the official results of each race, as to that particular race, except that this period may be reduced to permit the transmitting of the results of the last race each day not sooner than fifteen minutes after the official posting of such results. Provided, however, that the commission may, by rule, permit the immediate transmission by radio, television, or press wire of any pertinent information concerning feature races.

It shall be unlawful for any person to transmit by any means whatsoever racing information to any other person, or to relay the same to any other person by word of mouth, by signal, or by use of telephone, telegraph, radio, or any other means, when the information is knowingly used or intended to be used for illegal gambling purposes, or in furtherance of such gambling purposes.

Any person violating the provision of this section shall be guilty of a felony and, upon conviction, shall be imprisoned in the state penitentiary for not less than one year nor more than ten years, or shall be fined not less than one thousand dollars (\$1,000.00) nor more than five thousand dollars (\$5,000.00) or both, in the discretion of the court.

Section 27. It is the intent of this act to improve the economic well being of the citizens of St. Clair County, by providing an increased tax base, jobs for the citizens herein, and promotion of tourism and recreation in St. Clair County. It is further the intent of this act to provide for strict local control of the racing plant or plants and the operation of said plants by St. Clair County citizens so as to minimize the possibility of undesirable gambling elements from ever controlling this industry.

Section 28. The county governing body of St. Clair County shall call and provide for holding a referendum for the purpose of determining if this act shall become operative. The referendum shall be held not less than thirty (30) days, nor more than sixty (60) days after the effective date of this Act, and shall be advertised, held, conducted and the results

thereof canvassed in the manner provided by law for advertising, holding, and canvassing county bond elections. The question to be voted on shall be stated on the ballots or voting machine tabs substantially as follows:

"Do you favor the creation of the St. Clair County Racing Commission to regulate licensing and supervision of greyhound racing and wagering thereon as provided in Act No. _____ approved _____, 1973?"

If the majority of the votes cast in the referendum as "Yes", greyhound racing shall be legal in St. Clair County and this act shall become operative therein; if the majority of the votes cast in the election are "No", this act shall have no further effect. The Probate Judge of St. Clair County shall certify the results of the referendum to the Secretary of State of Alabama within thirty (30) days after the election returns are canvassed.

Section 29. If any provision, paragraph or part of this act shall be declared invalid, unconstitutional, or void, the balance of said act shall remain in full force and effect.

Section 30. All laws or parts of laws in conflict with this act are repealed.

Section 31. This act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 5:25 P.M.

Act No. 750

H. 292—Waggoner, Dill, Callahan, Naramore, Burgess, Stewart, Bowers, Boutwell, Doss, Weeks, Boles, Jones (E), Timmons, Brassell, Drake, Grey (D), Reid (R), Coshatt, Reed (T), Roberts, Jones (F), Barkett, Ellis, Hearn, Adams, Snell, Smith (K), McClusky, Casey

AN ACT

To prohibit a limit on the number of times than a person, otherwise qualified, may take the Alabama Bar Examination.

Be It Enacted by the Legislature of Alabama:

Section 1. Any rule, regulation or law limiting the number of times that any person, otherwise qualified may apply for and

stand the Alabama Bar Examination at any regular examination session is hereby prohibited. However, no applicant may take the examination more than three (3) times in any three (3) year period.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 6:00 P.M.

Act No. 751

H. 1355—Drake, McDonald, St. John

AN ACT

To authorize the county governing body of Cullman County to appropriate a contingent fund out of county funds and to use such fund for purposes not otherwise provided by law.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body in Cullman County is hereby authorized and empowered to appropriate out of any moneys in the treasury not otherwise appropriated, and to expend not exceeding the sum of five hundred dollars (\$500.00) per annum for any purpose not otherwise provided for by law, that in their judgment are worthy and for the best interest of the county, the fund hereby authorized to be known as the "contingent fund." Provided, however, the expenditures herein provided shall first be authorized by the governing body of the county in a resolution spread upon its minutes.

Section 2. Under the provisions of Section 1, not more than five hundred dollars (\$500.00) shall be appropriated and expended in any one year; and should any sum or sums remain unexpended in said fund at the end of the year, only so much shall be appropriated for the next succeeding year as will together with the sum so remaining unexpended bring the contingent fund up to the sum of five hundred dollars (\$500.00).

Section 3. This Act shall become effective immediately

upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 5:10 P.M.

Act No. 752

H. 1059—Hobbie, Harris, Taylor, Jones (F),
Barron, Robertson, Hearn

AN ACT

To regulate annual leave and sick leave of state merit system employees, to provide for partial payment of accrued and unused sick leave at the time of retirement of such employees.

Be It Enacted by the Legislature of Alabama:

Section 1. All persons who are regularly employed by the State of Alabama and who are subject to the provisions of the state merit system, shall be entitled to accumulate annual leave on the basis of bi-weekly pay periods as follows:

Employee's continuous service with:	Accumulation of leave per pay period	Annual accumulation
Fewer than 5 years service	— 4 hours	13 days
5 but less than 10 years service	— 5 hours	16 days 2 hours
10 but less than 15 years service	— 6 hours	19 days 4 hours
15 but less than 20 years service	— 7 hours	22 days 6 hours
20 but less than 25 years service	— 8 hours	26 days
25 years of service or more	— 9 hours	29 days 2 hours

Maximum accrued leave after twenty-five (25) years of service shall be limited to twenty-nine and one-quarter (29¼) days per year, and the maximum number of days of annual leave which may be carried over at the end of each year shall be limited to sixty (60) days.

Section 2. Each state merit system employee shall upon retirement be entitled to receive payment for fifty percent (50%) of his accrued and unused sick leave at the time of his retirement, and all such payments shall be made at the same rate as his regular pay.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 30, 1973.

Time: 6:05 P.M.

Act No. 753

H. 1862—Reed (T)

AN ACT

Relating to all counties having a population of not less than 24,500 nor more than 25,000, according to the most recent federal decennial census; authorizing the Alabama Alcoholic Beverage Control Board to permit the sale of draft or keg beer in said county.

Be It Enacted by the Legislature of Alabama:

Section 1. The Alabama Beverage Control Board may in its discretion grant permits to licensed retailers to sell or dispense draft or keg beer or malt beverages anywhere within all counties having a population of not less than 24,500 nor more than 25,000, according to the most recent federal decennial census, the provisions of Code of Alabama 1940, Title 29, Section 34 to the contrary notwithstanding, and the board may revoke any such permit so granted if, in the judgment of the board, the sale of draft or keg beer or malt beverages in the community is prejudicial to the welfare, health, peace and safety of the people of the community or of the state.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on August 30, 1973 without approval by the Governor.

Act No. 754

H. 1152—Turnham

AN ACT

To impose a twenty per cent (20%) tax on all alcoholic beverages purchased from the Alcoholic Beverage Control Board for the purpose in any county having a population of not less than 60,000 nor more than of resale the police jurisdiction of any incorporated municipality located 65,000.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to any and all other licenses, excises and taxes paid by every person, firm, corporation or association that purchases wine, whiskey or other distilled alcoholic spirits from the State Alcoholic Beverage Control Board for the purpose of resale within a place of business located outside the police jurisdiction of any incorporated municipality in any county having a population of not less than 60,000 nor more than 65,000 according to the most recent federal decennial census, such person, firm, corporation or association shall pay into the general fund of the treasury of said county an amount equal to twenty per cent (20%) of the cost of such beverages purchased from the Alcoholic Beverage Control Board. Said amount shall be payable to the county treasurer on or before the tenth day of each calendar month, for the month next preceding the date of such payment. If such amount is not paid on or before the tenth day of each month as hereinabove set forth, a penalty of twenty per cent (20%) shall be added to the amount then due.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution August 30, 1973 without approval by the Governor.

Act No. 755

H. 1704—Mathews

AN ACT

To authorize the Coosa County Commission to levy additional tax on persons, firms, and corporations, selling, distributing or delivering any malt or brewed beverages to retailers in Coosa County.

Be It Enacted by the Legislature of Alabama:

Section 1. The Coosa County Commission may, at its discretion, levy a tax in addition to that allowed by law on all persons, firms, and corporations, selling, distributing or delivering to retailers in Coosa County any malt or brewed beverages (including beer, lager, ale, porter, or similar fermented malt liquor containing one-half of one percent or more of alcohol by volume) provided the total amount of all such tax levied by the county under this Act or any other provision of law shall not exceed five (5) cents on each twelve (12) fluid ounces or fractional part thereof of such beverages sold or distributed within the county.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution August 30, 1973 without approval by the Governor.

Act No. 756

H. 1799—Cross, Carter

AN ACT

To repeal Section 11 of Act No. 25, H. 18, 1959 First Special Session, (1959 Acts, p. 54) entitled, "An Act Relating to Lawrence County, Alabama; levying a license tax on persons and other engaging in selling tangible personal property at retail and on persons and other conducting places of amusement in said county, the said tax to be measured by the gross receipts or gross proceeds of such businesses; levying an excise tax on the storage, use or other consumption in said county of tangible personal property purchased for use, storage or other consumption in said county; specifying sales and transactions that are exempt from the measurement of the said license tax; specifying property the use, storage or other consumption of which is exempt from the said excise tax; providing for payment of said taxes, making reports and maintaining records with respect thereto, the collection of the said taxes, and the enforcement of the provisions of this act; making applicable to the taxes herein levied, and adopting by reference, certain provisions of Articles 10 and 11 of Chapter 20 of Title 51 of the Code of Alabama, as amended, providing that the Commissioner of Revenue and the State Department of Revenue shall have all powers and duties respecting the taxes herein levied and the collection thereof that they have under said Articles 10 and 11, as amended; providing for collection of said excise tax by sellers registered under Section 790 of Title 51 of the Code of Alabama of 1940, as amended; providing that the said license tax shall be added to the sales price or admission fee and passed on to the purchaser or person paying the said admission fee; providing for a discount to persons subject to the said license tax and to such registered sellers; providing for a charge by the State Department of Revenue for collecting the taxes herein levied; and providing for the use of the revenues from said taxes," so as to eliminate the termination date of said tax and thereby make the tax levied in said Act permanent.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 11 of Act No. 25, H. 18, 1959 First Special Session, (1959 Acts, p. 54) entitled, "An Act Relating to Lawrence County, Alabama; levying a license tax on persons and other engaging in selling tangible personal property

at retail and on persons and other conducting places of amusement in said county, the said tax to be measured by the gross receipts or gross proceeds of such businesses; levying an excise tax on the storage, use or other consumption in said county of tangible personal property purchased for use, storage or other consumption in said county; specifying sales and transactions that are exempt from the measurement of the said license tax; specifying property the use, storage or other consumption of which is exempt from the said excise tax; providing for payment of said taxes, making reports and maintaining records with respect thereto, the collection of the said taxes, and the enforcement of the provisions of this act; making applicable to the taxes herein levied, and adopting by reference, certain provisions of Articles 10 and 11 of Chapter 20 of Title 51 of the Code of Alabama, as amended, providing that the Commissioner of Revenue and the State Department of Revenue shall have all powers and duties respecting the taxes herein levied and the collection thereof that they have under said Articles 10 and 11, as amended; providing for collection of said excise tax by sellers registered under Section 790 of Title 51 of the Code of Alabama of 1940, as amended; providing that the said license tax shall be added to the sales price or admission fee and passed on to the purchaser or person paying the said admission fee; providing for a discount to persons subject to the said license tax and to such registered sellers; providing for a charge by the State Department of Revenue for collecting the taxes herein levied; and providing for the use of the revenues from said taxes", is hereby repealed.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on August 30, 1973 without approval by the Governor.

Act No. 757

S. 686—Register

AN ACT

To amend Act No. 1405, S. 1058, Regular Session 1971 (Acts 1971, p. 2373), which act provides for levying a privilege license or excise tax upon sellers, distributors, storers, or users of malt or brewed beverages; provides for the administration of the act and the collection and distribution of the proceeds of the tax; and prescribes penalties for violation, in counties having a population of not less than 52,500 nor more than 54,000.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 2, 3, 4, 5, 6, 7, 8, 9 and 10, of Act No. 1405, S. 1058, approved September 17, 1971, Regular Session 1971 (Acts 1971, p. 2373), which act provides for levying a privilege license or excise tax upon sellers, distributors, storers, or users of malt or brewed beverages; provides for the administration of the act and the collection and distribution of the proceeds of the tax; and prescribes penalties for violations, in counties having a population of not less than 52,500 nor more than 54,000 according to the most recent federal decennial census, are hereby amended to read as follows:

“Section 2. The privilege or license tax authorized herein shall be collected by or under the supervision and control of the chairman of the county commission who shall be solely responsible for the administration of this act. Said chairman shall provide rules and regulations and administrative machinery for the enforcement and collection of the tax levied, and may provide for devices of affixing stamped impressions on lids and crowns to be used in evidence of payment of the tax, and provide proper forms requiring sufficient information and proof, to be verified by the oath of any seller, distributor, dealer, storer or other user claiming exemption from payment of the tax on account of purchases made from others who have paid the tax imposed by this act. Said chairman shall be authorized to employ such additional personnel and inspectors to assist in the administration and enforcement of this act as he may deem necessary and desirable at a cost not to exceed three thousand dollars (\$3,000) per annum.”

“Section 3. (a) Each and every distributor or seller of malt or brewed beverages shall, on or before the 15th day of the first full calendar month after the effective date of this act, and on or before the 15th day of each calendar month thereafter, file with the chairman of the county commission a written statement, sworn to and subscribed by each distributor or seller, showing the name and address of such distributor or seller, each and every purchase, receipt or procurement of malt or brewed beverages made by such distributor or seller during the calendar month next preceding, together with the name and address of the producer, distributor, seller or other person from whom purchased, received or procured, the brand or brands of such malt or brewed beverages, the quantity of each brand, the size and kind of containers of each brand of such malt or brewed beverages, the date or dates on which purchased, received or procured, and a detailed, itemized statement showing the name and address of each distributor or seller or other person to whom any malt or brewed beverages were sold, distributed or delivered by such distributor or seller,

together with the quantity of each brand of malt or brewed beverages sold, distributed or delivered to each, the size and kind of containers for each brand of such malt or brewed beverages and the date or dates on which sold, distributed or delivered.

(b) Any distributor or seller failing, refusing or omitting to file the statements herein prescribed shall be guilty of a misdemeanor, and each day such default continues shall constitute a separate offense."

"Section 4. It shall be unlawful for any distributor or seller to make any sale, distribution or delivery of malt or brewed beverages within the county without first having obtained a permit to do so from the chairman of the county commission and also obtaining a business license from each municipality in which sale, distribution or delivery is to be made; provided, however, that nothing contained in this section, or in any other part of this act, shall authorize any sale, distribution or delivery of malt or brewed beverages within the county, if such sale, distribution or delivery is prohibited by any other law of this State."

"Section 5. (a) It shall be the duty of any person subject to the license tax imposed by this act to keep full and complete records of all purchases, sales, receipts, inventories and all other matters from which the correct amount of license tax to which such person is subject may be ascertained; in the event that such person should discontinue his business, he shall not destroy or dispose of such records until he shall have given to the chairman of the county commission thirty days' notice in writing of his intent to destroy or dispose of such records. The chairman of the county commission and his duly authorized agent is authorized to inspect such records and to make copies of such parts of same as he may deem desirable or proper. The failure to keep such records, or destruction without giving the prescribed notice, shall constitute a misdemeanor, punishable in accordance with law.

(b) Upon demand by the chairman of the county commission or his authorized deputy or agent, auditor or representative, it shall be the duty of any person subject to the license tax imposed by this act to furnish, without delay, all such information as may be required for determination of the correct amount of license tax to which such person is subject, and to that end it shall be the duty of such person to submit to such demanding person, for inspection and examination during reasonable business hours and at such person's place of business, all books of account, invoices, papers, reports, memoranda containing entries showing the amount of purchases, sales, receipts, inventories and any other information from

which the correct amount of license tax to which such person is subject, may be determined, including herein the exhibition of bank deposit books and bank statements. Any person failing or refusing to submit such records for such inspection or examination upon lawful demand therefor shall be guilty of a misdemeanor, punishable according to law.

(c) Should any person subject to the provisions of this act not keep and have in his possession or control correct and detailed books of account, invoices, papers, reports or memoranda correctly showing the data and information necessary for the determination of the correct amount of the license tax due; or, if, having the same in possession or under control such person shall fail or refuse to submit and exhibit same for inspection and examination as herein required, then and in that event it shall be the duty of the chairman of the county commission to ascertain from such information and data as he may reasonably obtain the correct amount of license tax due from such person and to assess the same against such person and give to such person notice of such assessment and demand of him immediate payment of the amount thereof. If such amount be not paid within ten days after receipt of notice and demand for payment, then such failure to pay shall constitute a misdemeanor, and each day of delay in payment shall constitute a separate offense.

(d) The tax shall be paid by each distributor or seller when he makes his report as required in Section 3 or when he buys his decals or other devices from the chairman of the county commission, if the chairman requires the distributor or seller to buy decals or other devices."

"Section 6. (a) It shall be the duty of the chairman of the county commission to prepare such forms as may be necessary for use by sellers and distributors of malt or brewed beverages in complying with the provisions of this act, and to furnish the same to such distributors or sellers as they may be required.

(b) It shall be the duty of the chairman of the county commission and his agents to enforce the provisions of this act, and to that end he is authorized to enter lawfully any premises of any retailer of malt or brewed beverages at any time during the hours in which such retailer is engaged in the business of selling or serving malt or brewed beverages, and to inspect the containers of malt or brewed beverages in the retailer's possession, for the purpose of determining whether or not there be any containers not having affixed the decal or other device contemplated by this act. It shall be lawful also for any police officer or a deputy sheriff to enter

lawfully any such retail establishment for the said purpose of inspection and determination of whether or not there be on hand any untaxed malt or brewed beverages."

"Section 7. Collection of the tax may be accomplished in this fashion:

In any county to which this act applies, the chairman of the county commission, by requisition to and upon the governing body of the county, may procure decals or other devices susceptible to being affixed, with measurable permanence, to containers of malt or brewed beverages to be taken from storage, distributed or sold, each of which decals or other devices shall bear in legible characters a notation that it evidences the payment of the tax levied by this act, and he may procure such forms and other printed matter and materials as may be necessary in the administration of this act. To reimburse the county for the cost and expense incurred by it in procuring and furnishing to the chairman the said decals or other devices, and forms and other matter furnished by the county to the chairman, the chairman shall deduct, from the gross amount of taxes collected, at each tax-distribution period, the cost and expense incurred by the county in procuring and furnishing to the chairman the decals or other devices contemplated by this act and the cost of forms and other materials hereinabove provided for, and shall pay over the amount so deducted to the county. Decals or other devices may be furnished by the chairman of the county commission to each seller or distributor of malt or brewed beverages, upon his request therefor and payment of the amount of tax corresponding to the stated value of the decals or other devices that he procures, less a five per cent (5%) discount provided, however, that such decals or other devices shall be sold and furnished to wholesalers only. Each distributor or seller must affix to each container of malt or brewed beverages the appropriate decals or other devices before the same is taken from storage, sold or delivered."

"Section 8. All proceeds collected from said tax shall be paid in the county's general fund and the probate judge is hereby authorized, empowered and directed to pay all monies heretofore collected from said tax into the county's general fund."

"Section 9. Any person, firm, or corporation who violates any provision of this act or the rules and regulations as may be provided by the chairman of the county commission of the county shall be guilty of a misdemeanor and upon conviction shall be punished as prescribed by law. Each month such violation continues shall constitute a separate offense."

Section 10. Any person, firm or corporation who fails to pay the tax herein levied within the time prescribed in the rules and regulations set out by the chairman of the county commission shall pay, in addition to the tax, a penalty of ten per cent of the amount of tax, together with interest thereon at the rate of one-half of one per cent per month or fraction thereof, from the date at which the tax herein levied becomes payable, such penalty and interest to be assessed and collected as a part of the tax."

Section 2. This act shall become effective on the first of the month following the date of its enactment.

This Act became a law under Section 125 of the Constitution on August 31, 1973 without approval by the Governor.

Act No. 758

S. 930—Baker

AN ACT

Repealing Constitutional Amendment CLXXXIV, relating to the compensation of certain officers of DeKalb County; proposing an amendment to the Constitution of Alabama relating to the compensation of certain officers of DeKalb County.

Be It Enacted by the Legislature of Alabama:

Section 1. Constitutional Amendment CLXXXIV, of the Alabama Constitution is hereby expressly repealed. The following amendment to the Constitution of Alabama is proposed, and shall become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

Proposed Amendment

The Legislature may from time to time, by general or local laws applicable to or operative in DeKalb County, fix, regulate, and alter the fees, commissions, allowances, and salaries, including the method and basis of their compensation, to be charged or received by the judge of probate, sheriff, tax assessor, tax collector, and clerk and register of the circuit court of DeKalb County; and may place any or all of such officers on a salary and provide for the fees, commissions, allowances, and percentages collectible by such officers to be paid into the treasury from which their salaries are paid.

Section 2. An election upon the proposed amendment is ordered to be held on the date of the general election next succeeding the final adjournment of the current session of the Legislature. The election shall be held in accordance with

the provisions of Section 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the Senate August 23, 1973.

Passed the House August 30, 1973.

Act No. 759

H. 1556—Robertson

AN ACT

To amend further Act No. 56, H. 285, Regular Session, 1953 (Acts 1953, p. 76), as heretofore amended, an Act levying additional privilege and license taxes in Tuscaloosa County; so as to redefine terms relating to hospital boards and to prescribe the manner of determining the distribution of the proceeds of the tax allocated for hospital purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 56, H. 285, Regular Session 1953 (Acts 1953, p. 76), as heretofore amended, is hereby amended further to read as follows:

“Section 1. Definitions. The following words and phrases, wherever used in this act, shall have the following respective meanings:

“The words ‘the state’ means the State of Alabama.

“The words ‘the county’ mean Tuscaloosa County in the state.

“The words ‘the city’ means the City of Tuscaloosa in the state.

“The words ‘the county board of education’ mean the board of education of Tuscaloosa County, Alabama.

“The words ‘the hospital boards’ mean the Druid City Hospital Board created by Act No. 540 adopted at the 1947 Regular Session of the Legislature of Alabama, approved October 8, 1947, and the Northport Medical Clinic Board, established for the Peoples Hospital, Inc.

"The words 'the tax board' means the Tuscaloosa County Special Tax Board created in Section 9 of this Act.

"The words 'state sales tax statutes' mean the provisions of Act No. 100, adopted at the Special Session of the Legislature of Alabama which convened on June 24, 1959, as amended and supplemented before March 2, 1967.

"The words 'state use tax statutes' mean the provisions of Article 11 of Chapter 20, Title 51, Code of Alabama of 1941, as amended and supplemented before March 2, 1967.

"The words 'quarterly period' mean each period of three calendar months commencing on each January 1, April 1, July 1, and October 1.

"Pronouns include all genders.

"Those of the words and phrases used in Section 3 of this act that are defined in the state sales tax statutes shall have the meanings respectively given them in the state sales tax statutes. Those of the words and phrases used in Section 4 of this act that are defined in the state use tax statutes shall have the meanings respectively given them in the state use tax statutes."

Section 2. Section 11 of Act No. 56, H. 285, Regular Session 1953 (Acts 1953, p. 76), as heretofore amended, is hereby further amended to read as follows:

"Section 11. Disposition of Revenues. Any and all expenses, including (but without limitation to) salaries, office rent, and other expenses that may be necessary to provide for the collection and distribution of the taxes herein levied as may be authorized or approved by the tax board, shall be deducted by the tax board and paid out of the proceeds from said collections before any distribution of said proceeds. After deduction of said expenses, the tax board shall distribute the remaining proceeds from the said taxes as follows:

"(a) Thirty-two and one-half per cent ($32\frac{1}{2}\%$) of said proceeds remaining shall be paid to the City of Tuscaloosa for general municipal purposes;

"(b) Five per cent (5%) of said proceeds remaining shall be paid to the City of Northport for general municipal purposes;

"(c) Twelve and one-half per cent ($12\frac{1}{2}\%$) of said proceeds remaining shall be paid to Tuscaloosa County for general county purposes;

"(d) Ten per cent (10%) of said proceeds remaining shall be paid to the hospital boards, prorated between them

in direct proportion to the number of charity patient days, excluding those used for psychiatric care, in the hospital facilities operated thereby. The hospital boards shall use the said proceeds solely to defray all or a part of the costs of any hospital operated by the hospital boards for hospital services furnished to charity patients who are residents of the county, including any municipality therein;

“(e) Twenty per cent (20%) of said proceeds remaining shall be paid to the county board of education, which shall use said proceeds solely for public school purposes in the county, including (but without limitation to) payment of any warrants, notes and other obligations of the county board of education which have heretofore or may hereafter be issued for any public school purposes, together with the interest thereon and the necessary expenses in connection with the issuance thereof, acquiring, providing, or constructing school houses and related buildings necessary or convenient for public school purposes, and equipping, furnishing, maintaining, repairing or replacing any such buildings and acquiring sites therefore;

“(f) Twenty per cent (20%) of said proceeds remaining shall be paid to the city, which shall use said proceeds solely for public school purposes in the city, including (but without limitation to) payment of any bonds, warrants, notes and other obligations of the city which have heretofore or may hereafter be issued for any public school purposes, together with the interest thereon and the necessary expenses in connection with the issuance thereof, acquiring, providing, or constructing school houses and related buildings necessary or convenient for public school purposes, and equipping, furnishing, maintaining, repairing or replacing any such building and acquiring sites therefor.

The proceeds for which distribution is provided in subsections (a), (b), (c), (d), (e), and (f) of this section shall be paid over to the beneficiaries thereof, respectively, on or before the tenth day of the calendar month next succeeding the calendar month in which said proceeds shall have been received by the tax board. The tax board is hereby authorized to retain on hand at all times as a revolving or contingent fund for payment of its expenses, as provided for in Section 9 (c) of this act, such amount of said tax proceeds as it deems expedient; provided, that as disbursements are made from said revolving or contingent fund the tax board shall have the power, immediately or at such times as it deems convenient, to restore the moneys so disbursed out of the proceeds from the taxes herein levied; and provided, further that the said revolving or contingent fund shall not at any time

exceed ten per cent (10%) of the collections made under this act during the then preceding calendar month.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 5, 1973.

Time: 5:10 P.M.

Act No. 760

H. 114—Bank

AN ACT

To authorize and provide for the payment out of the general fund in the state treasury of a gratuity to each member of the armed services from this State who was a prisoner of war in Vietnam; to provide for the administration of this Act by the State Department of Veterans Affairs.

Be It Enacted by the Legislature of Alabama:

Section 1. A gratuity in the amount of \$500 shall be paid out of the general fund in the state treasury to any person who entered the armed services while he was a bona fide resident of the State of Alabama and who was imprisoned as a prisoner of war in North Vietnam, South Vietnam, Laos or Cambodia.

In the event any person who qualified for the payment of this bonus died while such a prisoner, the gratuity shall be paid to his next of kin. For the purposes of this Act term "next of kin" shall be the person or persons designated to receive the prisoner's G. I. insurance.

Section 2. No assignment or pledge as security for a loan or any right or claim to the bonus under this Act shall be valid. No sum payable under this Act to a veteran shall be subject to attachment, levy or seizure under any legal or equitable process, or be subject to taxation, either as income or otherwise by the State of Alabama.

Section 3. The State Department of Veterans Affairs shall have complete charge and control of the payment of the bonus authorized in this Act and may adopt general rules for the making of such payments, the ascertainment and selection of proper recipients of the bonus, and for procedure for applying and receiving for bonuses. The State Department of Veterans Affairs shall adopt general rules for determining the questions of whether an applicant possesses the prerequisite quali-

fication of residence in the State of Alabama at the time he entered the armed forces and such department shall prescribe by rule the nature of proof to be submitted to establish such facts as are necessary to claim the bonus provided for by this Act.

Section 4. All applications for bonus of gratuity payments provided in this Act must be made to the State Department of Veterans Affairs. No payment shall be made under this Act except on applications duly received and approved by the department.

Section 5. Upon approving an application for a bonus the State Department of Veterans Affairs shall direct the state comptroller to issue a warrant in the proper amount to the person entitled to receive the bonus. Such warrant shall be paid out of the general fund in the state treasury from any monies therein not otherwise appropriated.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 5, 1973.

Time: 5:00 P.M.

Act No. 761 H. 1061—Hobbie, Taylor, Jones (F), Barron,
Robertson, Hearn

AN ACT

To provide salary increases for certain state employees; and to appropriate funds therefor.

Be It Enacted by the Legislature of Alabama:

Section 1. Beginning with the first pay period beginning on or after October 1, 1973, all state employees subject to the merit system law shall receive a cost of living increase in pay in an amount equivalent to a two-step raise in the pay plan

for the class of positions in which they are each employed; and beginning with the first pay period beginning on or after October 1, 1974, all such employees shall receive an additional one-step increase in pay; and all other state employees not subject to the merit system law, shall be entitled to cost of living increases in pay at the same times and in such amounts as is equal to the percentage of their rates of pay which is the equivalent of the percentage of the increase given to state employees subject to the state merit system law. All such increases shall be in addition to the salary received by such employees immediately prior to the effective date of such increase.

Section 2. The provisions of this act shall not apply to any merit system employee whose service or rates of pay are covered by any labor agreement or contract.

Section 3. The director of the state personnel department shall revise the schedule of rates set forth in the pay plan for state employees subject to the merit system law to reflect the increases herein provided and shall certify the same to the state comptroller, who shall issue his warrants in accordance therewith. The comptroller shall revise the rates of pay for state employees not subject to the state merit system law to reflect the increases herein provided and shall draw his warrants in accordance therewith.

Section 4. Such amounts as may be necessary to pay state employees the increased salaries herein provided are hereby appropriated for each of the fiscal years beginning October 1, 1973, and October 1, 1974, from such funds as the salaries of the several state employees are, respectively, paid, or if there is not sufficient money in such funds, then from the general fund or any other fund in the state treasury not otherwise appropriated.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 5, 1973.

Time: 5:00 P.M.

Act No. 762

H. 1307—Bank, Roberts, Waldrop, Coshatt,
Falkenburg

AN ACT

To amend Section 2, Title 22, Code of Alabama 1940, as amended and add Sections 2(a), 2(b), 2(c), 2(d), 2(e), which sections relate to the State Board of Health, and the State Committee of Public Health so as to further regulate the same.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2, Title 22, Code of Alabama 1940, as amended, is hereby amended to read as follows:

“Section 2. There is hereby created a State Committee of Public Health which shall be composed of twelve members of the Board of Censors of the Medical Association of the State of Alabama and the chairman of the four councils which are created in section 2(a) of this Act. The medical doctor members of the committee shall be selected by the State Board of Health, one from each of the United States Congressional districts, and the remainder from the State at large. A majority of the State Committee of Public Health shall elect a chairman and a vice-chairman to serve one term of four years. Upon incapacitation or resignation of the chairman the vice-chairman shall succeed to the chairmanship of the committee. Each member of the State Committee of Public Health shall have one vote except the chairman who shall vote only in case of a tie. The State Health Officer shall be ex-officio secretary to the committee, though not a member thereof, and he shall have no vote.”

Section 2. Section 2(a), Title 22, Code of Alabama 1940, as amended, shall read as follows:

“Section 2(a). There are hereby created four councils to be known as the (1) Council on Dental Health, (2) the Council on Animal and Environmental Health, (3) the Council on the Prevention of Disease and Medical Care, and (4) the Council on Health Costs, Administration and Organization.

It shall be the duty of the Councils to provide public health information, evaluation of data, research, advice and recommendations to the State Committee of Public Health and perform such other functions as may be appropriate and as requested by the State Committee of Public Health.

The Council on Dental Health shall be composed of five members licensed to practice dentistry in this state and appointed by the Alabama Dental Association. The initial appointments shall be one member for one year, one member for

two years, one member for three years, one member for four years and one member for five years.

The Council on Animal and Environmental Health shall be composed of five members as follows: three doctors of veterinary medicine appointed by the Alabama Veterinary Medical Association; one physician appointed by the Medical Association of the State of Alabama; one licensed professional engineer, trained and experienced in the environmental disciplines appointed by the American Consulting Engineers Council of Alabama. Of the five members of the Council on Animal and Environmental Health, the initial appointments by the Alabama Veterinary Medical Association shall be one for one year, one for three years, and one for five years; the initial appointment by the Medical Association of the State of Alabama shall be one for two years; the initial appointment by the American Consulting Engineers Council of Alabama shall be one for four years.

The Council on the Prevention of Disease and Medical Care shall be composed of five members as follows: two medical doctors appointed by the Medical Association of the State of Alabama; one nutritionist appointed by the Alabama Dietetic Association; one licensed engineer trained and experienced in public health and sanitation appointed by the American Consulting Engineers Council of Alabama; one nurse appointed by the Alabama State Nurses Association. Of the five members of the Council on the prevention of Disease and Medical Care, the initial appointments by the Medical Association of the State of Alabama shall be one for one year, and one for five years; the initial appointment by the Alabama Dietetic Association shall be one for two years; the initial four years; the initial appointment by the American Consulting Engineers Council of Alabama shall be one for three years.

The Council on Health Costs, Administration and Organization shall be composed of six members as follows: One medical doctor appointed by the Medical Association of the State of Alabama; one doctor of dentistry appointed by the Alabama Dental Association; two representatives of the public who are residents of the State of Alabama appointed by the governor; one pharmacist appointed by the Alabama Pharmaceutical Association; and one hospital administrator appointed by the Alabama Hospital Association. Of the six members of the Council on Health Costs, Administration and Organization, the initial appointment by the Medical Association of the state of Alabama shall be for one year; the initial appointment by the Alabama Dental Association shall be for two years; the initial appointment of representatives of the public by the governor shall be for three years; the initial appointment by the Alabama

Pharmaceutical Association shall be for four years; and the initial appointment by the Alabama Hospital Association shall be for five years."

Section 3. Section 2 (b), Title 22, Code of Alabama 1940, as amended, shall read as follows:

"Section 2 (b). Each of the associations or persons responsible for appointing members of the four councils created pursuant to Section 2 (a), shall make such appointments not later than ninety days after the effective date of this act. As soon as practicable after the appointments are made, each such Council shall meet and select from among its members by majority vote of a chairman; and the chairman of each such council, by virtue of his selection as chairman, shall be a member of the State Committee of Public Health with full voting privileges, rights and responsibilities of membership. As each term expires on each Council, the designated association or person responsible for the original appointment shall fill the vacancy for a five year term. Appointees who serve less than five year terms shall be eligible for reappointment for only one five year term. A Council member who ceases to be a member of the appointing authority or who no longer is a resident of the state of Alabama shall automatically cease to be a member of the council, and his unexpired term shall be filled by the original appointing authority. No person shall be eligible for appointment to the State Committee of Public Health or to a Council created in section 2(a) of this act, who at the time of his appointment is sixty-five years of age. The chairman of the State Committee of Public Health shall call the first meeting of each Council within one hundred twenty days of enactment of this act to certify the membership of each, and at such meetings, a chairman for each Council shall be elected and a schedule of meetings established on a quarterly basis, or more frequently, as may be deemed necessary. A majority of the members of each Council shall constitute a quorum. The chairman of each Council shall serve for a term of two years and may be reelected as chairman for not more than one successive term or for a total of four years as chairman. Members of the State Committee of Public Health and members of the four councils as outlined in this Section shall serve without compensation except for reimbursement for travel and out of pocket expenses."

Section 4. Section 2(c), Title 22, Code of Alabama 1940, as amended, shall read as follows:

"Section 2(c). The State Committee of Public Health shall elect an executive officer who shall be a physician licensed in the state of Alabama to be known as the State Health

Officer, and shall fix his term of office and salary. The qualifications of this individual shall be determined by the newly constituted State Committee of Public Health. The State Health Officer so elected shall, under the direction of the State Committee of Public Health and with the approval of the state personnel board, fix the salaries of the medical employees of the State Committee of Public Health. The State Health Officer shall exercise general supervision over county boards of health and county health officers, and promptly report to said county boards of health any delinquencies of official duty on the part of said county health officers which may come to his knowledge; keep himself informed in regard to all diseases which may be in danger of invading the state, and, as far as authorized by law, take prompt measures to prevent such invasions; and keep the governor and the legislature informed as to the health conditions prevailing in the state, especially as to outbreaks of any of the diseases enumerated in Section 47 of this Title, and submit to the governor and legislature such recommendations as he deems proper to control such outbreaks."

Section 5. Section 2(d), Title 22, Code of Alabama 1940, as amended, shall read as follows:

"Section 2 (d). Whenever the words 'State Board of Health' are used in this title, or in any chapter, or subsection thereof, said words shall mean the 'State Committee of Public Health' as created above except when the State Board of Health is in actual session assembled. The State Committee of Public Health as constituted by this act shall have and possess all the prerogatives and powers and duties heretofor prescribed by law for the State Board of Health and shall act for said Board. The State Board of Health may by a three-fifths vote alter or amend any action of the State Committee of Public Health but only when said Board is in session assembled."

Section 6. Section 2(e), Title 22, Code of Alabama 1940, as amended, shall read as follows:

"Section 2(e). The State Committee of Public Health and the State Board of Health shall be accountable to the legislature of Alabama and shall make an annual report to the legislature. The legislature or any committee thereof may, from time to time, request certain information from the State Board of Health and the State Committee of Public Health and both groups are hereby directed to lend its full cooperation in response to these requests. When the State Committee of Public Health is not in session, the State Health Officer, as executive officer of the Department of Public Health, shall act

for said Committee and shall have and discharge all the prerogatives and duties of said Committee. He shall report his actions to the Committee at its next meeting after such action is taken, and such action of the State Health Officer shall then be subject to confirmation or modification by the Committee. Meetings of the State Committee of Public Health shall be held monthly. A majority of the members shall constitute a quorum. Special meetings of the Committee may be called by the chairman, upon ten days prior written notice to the members thereof."

Section 7. All laws or parts of laws which conflict with this act are repealed.

Section 8. This act shall become effective January 1, 1974, and by approval of the governor, or upon its otherwise becoming law.

Approved September 5, 1973.

Time: 5:10 P.M.

Act No. 763

H. 286—Adams, Hearn, Snell

AN ACT

To provide subsistence allowances for law enforcement officers while on duty and to authorize expenditure of funds for that purpose.

Be It Enacted by the Legislature of Alabama:

Section 1. Any State law enforcement officer of the State of Alabama who is employed by the Department of Public Safety, Department of Conservation and Natural Resources, Alabama Alcoholic Beverage Control Board, or Department of Agriculture and Industries shall receive a subsistence allowance of Five Dollars (\$5.00) for each working day of a pay period while engaged in and in the performance of his duties as a law enforcement officer. This allowance shall be in addition to all other compensation, expenses, and allowances provided for such officers.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately

upon its passage and approval by the governor, or upon its otherwise becoming a law.

Approved September 5, 1973.

Time: 5:30 p.m.

Act No. 764

H. 273—Collins

AN ACT

TO AMEND ACT NO. 111, H. 419, REGULAR SESSION 1955 (ACTS OF ALABAMA 1955, P. 356) ENTITLED "AN ACT TO FIX THE SALARY OF THE TAX COLLECTOR OF MOBILE COUNTY, AND TO REGULATE THE PAYMENT THEREOF," AND TO REPEAL CONFLICTING LAWS.

Be It Enacted by the Legislature of Alabama:

SECTION 1. SECTION 1 OF ACT NO. 111, H. 419, REGULAR SESSION 1955 (ACTS OF ALABAMA, 1955, P. 356), AS AMENDED, ENTITLED "AN ACT TO FIX THE SALARY OF THE TAX COLLECTOR OF MOBILE COUNTY, AND TO REGULATE THE PAYMENT THEREOF," IS AMENDED FURTHER TO READ AS FOLLOWS:

"SECTION 1. THE TAX COLLECTOR OF MOBILE COUNTY SHALL BE COMPENSATED ON A SALARY BASIS. HE SHALL BE PAID A SALARY OF NINETEEN THOUSAND NINE HUNDRED FIFTY DOLLARS (\$19,950.00) PER ANNUM. SUCH SALARY SHALL BE PAID IN TWELVE EQUAL MONTHLY INSTALLMENTS IN THE MANNER PRESCRIBED BY ACT NO. 241, H. 401, APPROVED AUGUST 15, 1935."

SECTION 2. THE PROVISIONS OF ACT NO. 241, H. 401, REGULAR SESSION 1935 (LOCAL ACTS 1935, P. 139) AND ALL OTHER LAWS IN CONFLICT HEREWITH ARE HEREBY REPEALED.

SECTION 3. THIS ACT SHALL TAKE EFFECT AT THE COMMENCEMENT OF THE TERM OF OFFICE OF THE TAX COLLECTOR OF MOBILE COUNTY WHICH BEGINS NEXT AFTER THE PASSAGE AND APPROVAL OF THIS ACT.

Approved September 5, 1973.

Time: 4:30 P.M.

Act No. 765 H. 314—Merrill, Burgess, McCorquodale, Manley, Connell, O'Daniel, Turner, Pruitt, Waggoner, Downing, Jones (F), Carnes, Lang, Wise, Bank, Casey, Fite, McCluskey, Hardin, Collins, Bassett, Mathews, Brassell, Callahan, Headley, Harris, Crowe, Lutz, Slate, Grainger, Wood, May, Wallace, Drake, Turnham, McDonald, Stewart, Reid (R), Taylor, Mims, Robertson, Meeks, Jones (E), Bowers, Boles, Timmons, Naramore, King, Hale, Grey (D), Goodwin, Warren, Hill, McBride, Reynolds, Roberts, Culver, Dill, St. John, Carter, Chesnut, Erdreich, Boutwell, Weeks, Agee, Ellis, Jackson, Benton, Kinsey, Nettles, Coshatt, Gray (F), Reed (T), Hearn, Crawford, Snell

AN ACT

Relating to motor vehicles: To provide means for the recovery of stolen motor vehicles by requiring the registration of ownership of and liens upon motor vehicles with the State Department of Revenue; to provide for and regulate the issuance of certificates of title and the notation thereon of liens; to require the maintenance of records relative to certificates of title and notation of liens thereon; to grant certain powers and authority to and impose certain duties on the State Department of Revenue and to impose penalties for violations of this Act; to appropriate funds to be used in the administrations of this Act.

Be It Enacted by the Legislature of Alabama:

ARTICLE I — CERTIFICATE OF TITLE

Section 1. Definitions. The following words and phrases when used in this Act shall, for the purpose of this Act, have the meanings respectively ascribed to them in this section except where the context clearly indicates a different meaning:

(a) The term "Department" shall mean the Department of Revenue of this State.

(b) The term "dealer" shall mean a person licensed as an automobile or motor vehicle dealer and engaged regularly in the business of buying, selling or exchanging motor vehicles, trailers, semi-trailers, trucks, tractors, or other character of commercial or industrial motor vehicles in this State, and having in this State an established place of business.

(c) The term "designated agent" shall mean each Judge of Probate, Commissioner of Licenses, Director of Revenue, or other County official in this State authorized and required by law to issue motor vehicle license tags, who may perform

his duties under this Act personally or through his deputies, or such other persons as the Department may designate; the term shall also mean those "dealers" as herein defined who are appointed by the Department as herein provided in Section 4 hereof to perform the duties of "designated agent" for the purposes of this Act; such "dealers" may perform their duties under this Act either personally or through any of their officers or employees.

(d) The term "implement of husbandry" shall mean every vehicle designed and adapted exclusively for agricultural, horticultural or livestock raising operations or for lifting or carrying an implement of husbandry and in either case not subject to licensing or registration if used upon the highways.

(e) The term "vehicle identification number" shall mean the numbers and letters on a vehicle designated by the manufacturer or assigned by the Department for the purpose of identifying the vehicle.

(f) The term "lien" means every kind of written lease which is substantially equivalent to an installment sale or which provides for a right of purchase; conditional sale; reservation of title; deed of trust; chattel mortgage; trust receipt; and every written agreement or instrument of whatever kind or character whereby an interest other than absolute title is sought to be held or given on a motor vehicle.

(g) The term "lienholder" shall mean any person, firm, copartnership, association, or corporation holding a lien as herein defined on a motor vehicle.

(h) The term "manufacturer" shall mean any person regularly engaged in the business of manufacturing, constructing, assembling, importing or distributing new motor vehicles, either within or without this State.

(i) The term "motor vehicle" shall include:

(1) Every automobile, motorcycle, mobile trailer, semi-trailer, truck, truck tractor, trailer and other device which is self-propelled or drawn, in, upon or by which any person or property is or may be transported or drawn upon a public highway except such as is moved by animal power or used exclusively upon stationary rails or tracks;

(2) Every mobile home, trailer coach, travel trailer and house trailer manufactured upon a chassis or undercarriage as an integral part thereof drawn by a self-propelled vehicle.

(j) The term "new vehicle" shall mean a motor vehicle which has never been the subject of a first sale for use.

(k) The term "used vehicle" shall mean a motor vehicle that has been the subject of a first sale for use, whether within this State or elsewhere.

(l) The term "owner" shall mean a person, other than a lienholder, having the property in or title to a vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excludes a lessee under a lease not intended as security.

(m) The term "person" shall include every natural person, firm, copartnership, association or corporation.

(n) The term "pole trailer" shall mean every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as logs, poles, pipes, boats, or structural members capable generally of sustaining themselves as beams between the supporting connections.

(o) The term "security agreement" shall mean a written agreement which reserves or creates a security interest.

(p) The term "security interest" shall mean an interest in a vehicle reserved or created by agreement and which secures payment or performance of an obligation. The term includes the interest of a lessor under a lease intended as security. A security interest is "perfected" when it is valid against third parties generally, subject only to specific statutory exceptions.

(q) The term "special mobile equipment" shall mean every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over the highway, including but not limited to: ditch-digging apparatus, well-boring apparatus and road construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth-moving carry-alls and scrapers, power shovels and draglines, and self-propelled cranes, and earth-moving equipment. The term does not include house trailers, dump trucks, truck-mounted transit mixers, cranes or shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached.

(r) The term "nonresident" shall mean every person who is not a resident of this State.

(s) The term "current address" shall mean a new address different from the address shown on the application or

on the certificate of title. The owner shall within thirty (30) days after his address is changed from that shown on the application or on the certificate of title notify the Department of the change of address in the manner prescribed by the Department.

(t) The word "State" shall mean a state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico or a province of the Dominion of Canada.

Section 2. Certificate of Title Required.

(a) Except as provided in Section 3 hereof, every owner of a motor vehicle designated a 1975 year model, and all models subsequent thereto which is in this State and which is required to be registered under the motor vehicle laws of this State and for which no certificate of title has been issued by the Department, shall make application to a designated agent as herein defined for a certificate of title to the vehicle.

(b) Any dealer, acting for himself or another, who sells, trades or otherwise transfers any vehicle required to be titled under this Act who does not comply with the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be fined in a sum not exceeding Five Hundred Dollars (\$500.00).

Section 3. Exclusion. No Certificate of Title Need Be Obtained for:

(a) A vehicle owned by the United States or any agency thereof;

(b) A vehicle owned by a manufacturer or dealer and held for sale, even though incidentally moved on the highway or used for purposes of testing or demonstration, or a vehicle used by a manufacturer solely for testing;

(e) A vehicle moved solely by animal power; required by law to be registered in this State;

(d) A vehicle regularly engaged in the interstate transportation of persons or property for which a currently effective certificate of title has been issued in another state;

(e) A vehicle moved solely by animal power;

(f) An implement of husbandry;

(g) Special mobile equipment;

(h) A pole trailer;

(i) Mobile homes and mobile trailers.

Section 4. Designated Agents.

(a) Each Judge of Probate, Commissioner of Licenses, Director of Revenue, or other County official in this State authorized and required by law to issue motor vehicle license tags shall by virtue of his office be a designated agent of the Department. Such Probate Judges, Commissioners of Licenses, Directors of Revenue, or other County officials may perform their duties under this Act either personally or through any of their deputies.

(b) Every dealer as defined herein shall be a designated agent of the Department. Such dealers may perform their duties under this Act either personally or through any of their officers or employees, provided that such dealer or persons shall enter into a bond with a corporate surety authorized to do business in this State as surety thereon, payable to the State of Alabama in a sum to be determined by the Department, but in no event less than Five Thousand Dollars (\$5,000.00), conditioned on the faithful performance of their duties under this Act. In lieu of such bond, such dealer may file a condensed balance sheet as of a date not more than three months prior to the first day of July, 1974, and annually thereafter, in a form prescribed by the Department and sworn to by such dealer, evidencing a net worth of not less than Twenty-Five Thousand Dollars (\$25,000.00).

(c) The Department may appoint other persons as its designated agents, provided that such appointee shall enter into a bond as provided in the preceding subsection (b) above; provided, however, full-time bonded employees of the Department of Revenue may serve as designated agents without additional bond.

Section 5. Application for First Certificate of Title.

(a) The application for the first certificate of title of a vehicle in this State shall be made by the owner to a designated agent, on the form the Department prescribes, and shall contain:

(1) The name, current residence and mailing address of the owner;

(2) A description of the vehicle including the following data; year, make, model, vehicle identification number, type of body, the number of cylinders, and whether new or used;

(3) The date of purchase by applicant, the name and address of the person from whom the vehicle was acquired, and the names and addresses of any lienholders in the order of their priority and the dates of their security agreements; and

(4) Such other information as the Department may require.

(b) If the application is for a vehicle purchased from a dealer, it shall contain the name and address of any lienholder holding a security interest created or reserved at the time of the sale and the date of his security agreement and must be signed by the dealer as well as the owner, and the designated agent shall promptly mail or deliver the application to the Department.

(c) If the application is for a new vehicle, it shall be accompanied by the certified manufacturer's statement of origin showing proper assignments to the applicant and a copy of each security interest document. The manufacturer upon the shipment of a motor vehicle into this State shall forthwith furnish the dealer with such a certified statement of origin.

(d) Each application shall contain or be accompanied by the certificate of a designated agent that the vehicle has been physically inspected by him; that the vehicle identification number and descriptive data shown on the application, pursuant to the requirements of subsection (a) (2) of this section, are correct, and that he identified the person signing the application and witnessed the signature.

(e) If the application is for a first certificate of title on a vehicle other than a new vehicle, then the application shall conform with the requirements of this section except that in lieu of the manufacturer's statement of origin, the application shall be accompanied by a copy of the notarized bill of sale of said motor vehicle whereby the applicant claims title or in lieu thereof certified copies of the last two (2) years' license tag and tax receipts and such other information as the Department may reasonably require to identify the vehicle and to enable the Department to determine the ownership of the vehicle and the existence or nonexistence of security interests in it.

(f) If the application refers to a vehicle last previously registered in another state or country, the application shall contain or be accompanied by:

(1) Any certificate of title issued by the other state or country; and

(2) Such other information and documents as the Department may reasonably require to establish the ownership of the vehicle and the existence or nonexistence of security interests in it.

(3) The certificate of a designated agent that the vehicle has been physically inspected by him, that the vehicle identifi-

cation number and descriptive data shown on the application pursuant to subsection (a) (2) of this section are correct and such other proof of the identity of the vehicle as the Department may reasonably require.

(g) Every designated agent within this State shall, no later than the next business day after an application is received by him, forward the same to the Department by mail, postage prepaid, with such other evidence of title as may have been delivered to him by the applicant, along with the required fee as hereinafter provided.

Section 6. Issuance and Records.

(a) The Department upon receiving an application for certificate of title shall check the vehicle identification number shown in the application against the record of stolen or converted vehicles maintained by it.

(b) The Department shall examine each application received and when satisfied that the applicant is entitled to the issuance of a certificate of title, shall issue a certificate of title to the vehicle on the form prescribed by the Department.

(c) The Department shall maintain a record of all certificates of title issued pursuant to the provisions of this Act:

- (1) Under a distinctive title number assigned to the vehicle;
- (2) Under the vehicle identification number;
- (3) Under the name of the owner; and

(4) In the discretion of the Department, by any other method the Department determines.

Section 7. Use of Duplicate Copy of Application as Permit to Operate Motor Vehicle.

(a) The rules and regulations promulgated by the Department shall make suitable provisions for the use by an applicant of the duplicate copy of his application for a certificate of title to serve as a permit for the operation of the motor vehicle described in the application until the Department either issues the certificate of title of such motor vehicle or refuses to issue the certificate; and every designated agent receiving an application for the certificate of title, when the provisions of this Act have been otherwise complied with, shall deliver to the applicant the duplicate copy of his application which shall contain a suitable permit for the purposes mentioned in this subsection.

(b) In the event the Department refuses to issue the

certificate of title, the applicant shall, immediately upon receiving written notice from the Department that such certificate will not be issued for the reason or reasons stated in the notice, deliver or mail to the Department by registered mail the duplicate copy of his application containing the permit mentioned in subsection (a) of this section and the current license tag which was issued for the vehicle; and the motor vehicle described in said application shall not be operated on the highways or other public places of this State after the applicant receives notice that the certificate will not be issued unless its operation is subsequently authorized by the Department either by the issuance of a new permit or certificate of title. If for any reason the said duplicate copy of the application for certificate of title and the current license tag which were issued for the vehicle in question are not received by the Department within ten (10) calendar days after the Department mails written notice to the applicant that it will not issue the certificate of title applied for, the Department, or, at the request of the Department, any State highway patrolman, sheriff, or other peace officer of this State, is authorized and empowered to and shall require and compel the surrender of said duplicate copy of the application for certificate of title and the said current license tag; and the Department, after it obtains possession of said duplicate copy of application for certificate of title and said current license tag, is authorized to retain same until it is satisfied that said applicant is entitled to receive a certificate of title to the vehicle in question.

Section 8. Contents and Effect of Certificate.

(a) Each certificate of title issued by the Department shall contain:

- (1) The date issued;
- (2) The name and current address of the owner;
- (3) The names and addresses of any lienholders in the order of priority as shown on the application, or if the application is based on a certificate of title, as shown on the certificate;
- (4) The title number;
- (5) A description of the vehicle including the following data: year, make, model, vehicle identification number, type of body, number of cylinders, whether new or used, and if a new vehicle the date of the first sale of the vehicle for use; and

(6) Any other data the Department prescribes.

(b) Unless security is furnished as provided in Section 10, a distinctive certificate of title shall be issued for a vehicle

last previously registered in another state or country, the laws of which do not require that lienholders be named on a certificate of title to perfect their security interests. The certificate shall contain the legend, "This vehicle may be subject to an undisclosed lien" and may contain any other information the Department prescribes. If no notice of a security interest in the vehicle is received by the Department within four (4) months from the issuance of the distinctive certificate of title, the Department shall, upon application and surrender of the distinctive certificate, issue a certificate of title in ordinary form.

(c) The certificate of title shall contain forms for assignment and warranty of title by the owner, and for assignment and warranty of title by a dealer, and may contain forms for applications for a certificate of title by a transferee, the naming of a lienholder and the assignment or release of the security interest by a lienholder.

(d) A certificate of title issued by the Department is prima facie evidence of the facts appearing on it.

(e) A certificate of title to a vehicle is not subject to garnishment, attachment, execution or other judicial process, but this subsection does not prevent a lawful levy upon the vehicle.

Section 9. Delivery. The certificate of title shall be mailed to the first lienholder named in it or, if none, to the owner. A nontransferable duplicate certificate of title shall be mailed to the owner to serve as a permit for the operation of the motor vehicle.

Section 10. Application for Certificate of Title with Bond or Cash. If the Department is not satisfied as to the ownership of the vehicle or that there are no undisclosed security interests in it, the Department may accept the application but shall either:

(a) Withhold issuance of a certificate of title until the applicant presents documents reasonably sufficient to satisfy the Department as to the applicant's ownership of the vehicle and that there are no undisclosed security interests on it; or

(b) As a condition of issuing a certificate of title, require the applicant to file with the Department a bond in the form prescribed by the Department and executed by the applicant, and either accompanied by the deposit of cash with the Department or also executed by a person authorized to conduct a surety business in this State. The bond shall be in an amount equal to one and one-half times the value of the vehicle as determined by the Department and conditioned to indemnify

any prior owner and lienholder and any subsequent purchaser of the vehicle or person acquiring any security interest in it, and their respective successors in interest, against any expense, loss or damage, including reasonable attorney's fees, by reason of the issuance of the certificate of title of the vehicle or on account of any defect in or undisclosed security interest upon the right, title and interest of the applicant in and to the vehicle. Any such interested person has a right of action to recover on the bond for any breach of its conditions, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond. The bond, and any deposit accompanying it, shall be returned at the end of three (3) years or prior thereto if the vehicle is no longer registered in this State and the currently valid certificate of title is surrendered to the Department, unless the Department has been notified of the pendency of an action to recover on the bond.

Section 11. Refusing Certificate of Title. The Department shall refuse issuance of certificate of title if any required fee is not paid or if the Department has reasonable grounds to believe that:

- (a) The applicant is not the owner of the vehicle;
- (b) The application contains a false or fraudulent statement; or
- (c) The applicant fails to furnish required information or documents or any additional information the Department reasonably requires.

Section 12. Lost, Stolen or Mutilated Certificates.

(a) If a certificate of title is lost, stolen, mutilated or destroyed or becomes illegible, the first lienholder or, if none, the owner or legal representative of the owner named in the certificate, as shown by the records of the Department, shall promptly make application for and may obtain a replacement upon furnishing information satisfactory to the Department and payment of the fee as hereinafter required. The replacement certificate of title shall contain the legend, "This is a replacement certificate and may be subject to the rights of a person under the original certificate." It shall be mailed to the first lienholder named in it, or, if none, to the owner.

(b) The Department shall not issue a new certificate of title to a transferee upon application made on a replacement certificate until fifteen (15) days after receipt of the application.

(c) A person recovering an original certificate of title for which a replacement has been issued shall promptly surrender the original certificate to the Department.

Section 13. Transfer.

(a) If an owner transfers his interest in a vehicle, other than by the creation of a security interest, he shall, at the time of the delivery of the vehicle, execute an assignment and warranty of title to the transferee in the space provided therefor on the certificate or as the Department prescribes, and cause the certificate and assignment to be mailed or delivered to the transferee or to the Department.

(b) Except as provided in Section 14, the transferee shall, promptly after delivery to him of the vehicle, execute the application for a new certificate of title in the space provided therefor on the certificate or as the Department prescribes, and cause the certificate and application to be mailed or delivered to a designated agent.

(c) Upon request of the owner or transferee, a lienholder in possession of the certificate of title shall, unless the transfer was a breach of his security agreement, deliver the certificate to the transferee. Upon receipt of the certificate the transferee shall make application to a designated agent for a new certificate. The delivery of the certificate does not affect the rights of the lienholder under his security agreement.

(d) If a security interest is reserved or created at the time of the transfer, the certificate of title shall be retained by or delivered to the person who becomes the lienholder and the parties shall comply with the provisions of Section 20.

(e) Except as provided in Section 14, and as between the parties, a transfer by an owner is not effective until the provisions of this section have been complied with.

Section 14. Transfer to or from dealer; records.

(a) If a dealer buys a vehicle and holds it for resale and procures the certificate of title from the owner or the lienholder within fifteen (15) days after delivery to him of the vehicle, he need not send the certificate to the Department but, upon transferring the vehicle to another person other than by the creation of a security interest, shall promptly execute the assignment and warranty of title by a dealer, showing the names and addresses of the transferee and of any lienholder holding a security interest created or reserved at the time of the resale and the date of his security agreement, in the spaces provided therefor on the certificate or as the Department prescribes, and mail or deliver the certificate to a designated agent with the transferee's application for a new certificate.

(b) Every dealer shall maintain for five (5) years a record in the form the Department prescribes of every vehicle bought, sold or exchanged by him or received by him for sale or exchange, which shall be open to inspection by representatives of the Department and law enforcement officers during reasonable business hours.

Section 15. Transfer by Operation of Law.

(a) If the interest of an owner in a vehicle passes to another other than by voluntary transfer, the transferee shall, except as hereinafter provided in subsection (b), promptly mail or deliver to a designated agent the last certificate of title, if available, and proof of the transfer, together with his application for a new certificate in the form the Department prescribes.

(b) If the interest of the owner is terminated or the vehicle is sold under a security agreement by a lienholder named in the certificate of title, the transferee shall promptly make application to a designated agent for a new certificate in the form the Department prescribes. The application shall be accompanied by the last certificate of title and an affidavit made by or on behalf of the lienholder that the vehicle was repossessed and that the interest of the owner was lawfully terminated or sold pursuant to the terms of the security agreement.

If the lienholder succeeds to the interest of the owner and holds the vehicle for resale, he need not secure a new certificate of title but, upon transfer to another person, shall promptly mail or deliver to the transferee the certificate, affidavit and other documents required by the Department. The transferee shall promptly make application to a designated agent for a new certificate in the form prescribed by the Department.

(c) Notwithstanding anything to the contrary contained in this section, a person holding a certificate of title whose interest in the vehicle has been extinguished or transferred other than by voluntary transfer shall forthwith mail or deliver the certificate to the Department upon request of the Department upon request of the Department; and the delivery of the certificate pursuant to the request of the Department does not affect the rights of the person surrendering the certificate; and the action of the Department in issuing a new certificate of title as provided herein is not conclusive upon the rights of an owner or lienholder named in the old certificate.

Section 16. When Department to Issue New Certificate.

(a) The Department, upon receipt of a properly assigned certificate of title, with an application for a new certificate of title, the required fee and any other documents required by the Department, shall issue a new certificate of title in the name of the transferee as owner and mail it to the first lienholder named in it or, if none, to the owner.

(b) The Department, upon receipt of an application for a new certificate of title by a transferee other than by voluntary transfer, with proof of the transfer, the required fee and any other documents required by law, shall issue a new certificate of title in the name of the transferee as owner. If the outstanding certificate of title is not delivered to the Department, the Department shall make demand therefor from the holder thereof.

(c) A transferor of a vehicle other than a dealer transferring a new vehicle shall deliver to the transferee at the time of the delivery of possession of the vehicle the license plate for the vehicle. Provided, however, the license plate does not have to be delivered where a provision of law allows such plate to be retained by the owner of the vehicle.

(d) The Department shall file every surrendered certificate of title, or a microfilm of every such certificate, for a period of time deemed necessary by it in order to permit the tracing of title of the vehicle designated therein.

Section 17. Scrapping, Dismantling or Destroying Vehicle. An owner who scraps, dismantles or destroys a vehicle and a person who purchases a vehicle as scrap or to be dismantled or destroyed shall indicate same on the back of the certificate of title and shall within seventy-two (72) hours cause the certificate of title, the vehicle identification number plate, the motor vehicle license plate, and any other documents or information required by the Department to be mailed or delivered to the Department for cancellation. A certificate of title of the vehicle shall not again be issued except upon application containing the information the Department requires, accompanied by a certificate of inspection in the form and content specified in Section 5(d) hereof.

ARTICLE II—SECURITY INTERESTS

Section 18. Excepted Liens and Security Interests.

This Act does not apply to or affect:

(a) A lien given by statute or rule of law to a supplier of services or materials for the vehicle;

(b) A lien given by statute to the United States, this State or any political subdivision of this State;

(c) A security interest in a vehicle created by a manufacturer or dealer who holds the vehicle for sale, but a buyer in the ordinary course of trade from the manufacturer or dealer takes title free of the security interest.

Section 19. Perfection of Security Interests.

(a) Unless excepted by Section 18, a security interest in a vehicle for which a certificate of title is required by the terms of this Act is not valid against creditors of the owner or subsequent transferees or lienholders of the vehicle unless perfected as provided in this Act.

(b) A security interest is perfected by the delivery to the Department of the existing certificate of title, if any, an application for a certificate of title containing the name and address of the lienholder and the date of his security agreement, a copy of the security interest document, and the required fee. It is perfected as of the time of its creation if the delivery is completed within ten (10) days thereafter, otherwise, as of the time of the delivery.

(c) If a vehicle is subject to a security interest when brought into this State, the validity of the security interest is determined by the law of the jurisdiction where the vehicle was when the security interest attached, subject to the following:

(1) If the parties understood at the time the security interest attached that the vehicle would be kept in this State and it was brought into this State within thirty (30) days hereafter for purposes other than transportation through this State, the validity of the security interest in this State is determined by the law of this State.

(2) If the security interest was perfected under the law of the jurisdiction where the vehicle was when the security interest attached, the following rules apply:

(i) If the name of the lienholder is shown on an existing certificate of title issued by that jurisdiction his security interest continues perfected in this State.

(ii) If the name of the lienholder is not shown on an existing certificate of title issued by that jurisdiction the security interest continues perfected in this State for four (4) months after a first certificate of title of the vehicle is issued in this State, and also thereafter if within the four-month period it is perfected in this State. The security interest may

also be perfected in this State after the expiration of the four-month period; in that case perfection dates from the time of perfection in this State.

(3) If the security interest was not perfected under the law of the jurisdiction where the vehicle was when the security interest attached, it may be perfected in this State; in that case perfection dates from the time of perfection in this State.

(4) A security interest may be perfected under paragraph (2) (ii), on paragraph (3) of this subsection, either as provided in subsection (b) or by the lienholder mailing or delivering to a designated agent or to the Department a notice of security interest in the form the Department prescribes together with documents to support the security interest as required by the Department and the required fee.

Section 20. Security Interest. If an Owner Creates a Security Interest in a Vehicle:

(a) The owner shall immediately execute the application in the space provided therefor on the certificate of title, or on a separate form the Department prescribes to name the lienholder on the certificate showing the name and address of the lienholder and the date of his security agreement, and cause the certificate, application and the required fee to be delivered to the lienholder.

(b) The lienholder shall immediately cause the certificate, application and required fee to be mailed or delivered to the Department.

(c) Upon request of the owner or subordinate lienholder, a lienholder in possession of the certificate of title shall either mail or deliver the certificate to the subordinate lienholder for delivery to the Department, or, upon receipt from the subordinate lienholder of the owner's application and the required fee, mail or deliver them to the Department with the certificate. The delivery of the certificate does not affect the rights of the first lienholder under his security agreement.

(d) Upon receipt of the certificate of title, application and the required fee, the Department shall either endorse on the certificate or issue a new certificate containing the name and address of the new lienholder, and mail the certificate to the first lienholder named in it.

Section 21. Assignment by Lienholder.

(a) A lienholder may assign, absolutely or otherwise, his security interest in the vehicle to a person other than the owner without affecting the interest of the owner or the validity of

the security interest, but any person without notice of the assignment is protected in dealing with the lienholder as the holder of the security interest and the lienholder remains liable for any obligations as lienholder until the assignee is named as lienholder on the certificate in the manner prescribed by the Department.

(b) The Department shall file each assignment received by the Department with the required fee, and note the assignee as lienholder upon the record of notices of security interests maintained by the Department.

Section 22. Release of Security Interest.

(a) Upon the satisfaction of a security interest in a vehicle for which the certificate of title is in the possession of the lienholder, he shall, within ten (10) days after demand execute a release of his security interest, in the space provided therefor on the certificate or as the Department prescribes, and mail or deliver the certificate and release to the next lienholder named therein, or, if none, to the owner or any person who delivers to the lienholder an authorization from the owner to receive the certificate. The owner, other than a dealer holding the vehicle for resale, shall promptly cause the certificate and release to be mailed or delivered to the Department, which shall release the lienholder's rights on the certificate or issue a new certificate.

(b) Upon the satisfaction of a security interest in a vehicle for which the certificate of title is in the possession of a prior lienholder, the lienholder whose security interest is satisfied shall within ten (10) days after demand execute a release in the form the Department prescribes and deliver the release to the owner or any person who delivers to the lienholder an authorization from the owner to receive it. The lienholder in possession of the certificate of title shall either deliver the certificate to the owner, or the person authorized by him, for delivery to the Department, or, upon receipt of the release, mail or deliver it with the certificate to the Department which shall release the subordinate lienholder's rights on the certificate or issue a new certificate.

(c) Upon receipt of the releases of security interests mentioned in subsection (a) and (b) of this section, the Department shall file each release in the manner prescribed by the Department and note the same upon the records of notices of security interests maintained by it.

Section 23. Duty of Lienholder.

A lienholder named in a certificate of title shall, upon

written request of the owner or of another lienholder named on the certificate, disclose any pertinent information as to his security agreement and the indebtedness secured by it.

Section 24. Exclusiveness of Procedure.

The method provided in this Act of perfecting and giving notice of security interest in motor vehicles required to be titled under the terms hereof or titled under the terms hereof, shall be exclusive.

Security interests in motor vehicles required to be titled or which are titled under this Act, are hereby exempted from the provisions of law which otherwise require the filing or recording of financing statements or of other instruments creating or evidencing security interests.

Security interests in motor vehicles not required to be titled under this Act or not titled under the terms hereof, which are perfected under any other applicable laws of this State shall not be affected by this Act but shall continue in all respects to be governed by such other laws of this State.

Section 25. Suspension or Revocation of Certificates.

(a) The Department shall suspend or revoke a certificate of title, upon notice and reasonable opportunity to be heard in accordance with Section 27, when authorized by any other provision of law or if it finds:

(1) The certificate of title was fraudulently procured or erroneously issued, or

(2) The vehicle has been scrapped, dismantled or destroyed.

(b) Suspension or revocation of a certificate of title does not, in itself, affect the validity of a security interest noted on it.

(c) When the Department suspends or revokes a certificate of title, the owner or person in possession of it shall, immediately upon receiving notice of the suspension or revocation, mail or deliver the certificate to the Department.

(d) Should any person fail to comply with the provisions of subsection (c) of this section the Department shall seize and impound the certificate of title which has been revoked. It shall also be the duty of any peace officer, on notification to him by the Department of the failure of a person to mail or deliver a revoked certificate of title to the Department, to seize and mail or deliver to the Department the revoked certificate of title.

Section 26. Powers of Department.

(a) The Department shall prescribe and provide suitable

forms of applications, certificates of title, notices of security interests, and all other notices and forms necessary to carry out the provisions of this Act.

(b) The Department may:

(1) Make necessary investigations to procure information required to carry out the provisions of this Act;

(2) Adopt and enforce reasonable rules and regulations to carry out the provisions of this Act;

(3) Assign a new identification number to a vehicle if it has none, or its identification number is destroyed or obliterated, or its motor is changed, and shall either issue a new certificate of title showing the new identification number or make an appropriate endorsement on the original certificate.

(4) Revoke the authority of a dealer or other person appointed by the Department to act as a designated agent hereunder when it finds that such dealer or other person has failed to faithfully perform his duties under this Act.

(c) The Department shall make available information concerning the status of a title on any vehicle as reflected by the records in a manner prescribed by the Department. Such information supplied by the Department shall be considered official only if in writing. The Department shall charge the fees set forth in Section 31 provided, however, that no fee shall be charged Alabama law enforcement agencies or law enforcement agencies of any other state when such state furnishes like or similar information without charge to the Department or to Alabama law enforcement agencies.

Section 27. Hearings. A person aggrieved by an act or omission to act of the Department under this act is entitled to a hearing. Such person shall within sixty (60) days of such act or omission to act protest in writing the act or omission to act by which he is aggrieved, request the Department to take appropriate action to remedy such act or omission to act, state the grounds on which the request is based and request a hearing of the protest. On receipt of such protest the Department shall, if it finds the protest justified, comply forthwith with the request. If the Department is of the opinion that the written protest is not sufficient to justify compliance with the request, a hearing of the matter shall be set before the Department and notice thereof shall be given to the aggrieved person by registered or certified mail, return receipt requested. The hearing may be continued from time to time as deemed to be appropriate by the Department. The aggrieved person may make an appearance by written statement, in person or by attorney or agent.

The Department shall make such rules for the conduct of the hearing as deemed by it to be appropriate and necessary. At the conclusion of the hearing the Department shall within ten (10) days notify the aggrieved person in writing of its determination of the matter.

Section 28. Court Review. An aggrieved person who has filed a protest in accordance with the provisions of Section 27 of this Act not being satisfied with the determination made by the Department may request review of the matter by the circuit court in equity of the county in which he resides, or in which the vehicle involved is licensed, or in which the act or omission to act occurred. The court review shall be instituted by filing a petition for a hearing of the matter in the circuit court in equity within thirty (30) days after receipt from the Department of notice of its determination of the matter. Such court is hereby vested with jurisdiction and it shall be its duty to set the matter for hearing with written notice to the Department, and thereupon to take testimony and examine into the facts of the case and determine whether the petitioner is entitled to relief and if so to grant it. Either the state or the aggrieved person may appeal to the Alabama Court of Civil Appeals within thirty (30) days from the rendition of a judgment by the circuit court.

Section 29. Distinctive Certificates. If the Department is not satisfied that there are no undisclosed security interests created before this Act takes effect in a previously registered vehicle, the Department may, in addition to the Department's options under Section 10 hereof, issue a distinctive certificate of title of the vehicle containing the legend, "This vehicle may be subject to an undisclosed lien" and containing any other information the Department prescribes.

Section 30. Filing and Recording of Notices of Security Interests; Examination of Record.

(a) The Department shall file each notice of security interest received by the Department with the required fee and maintain a record of all notices of security interests filed by the Department:

- (1) Alphabetically, under the name of the owner;
- (2) Under the vehicle identification number;
- (3) Under the certificate of title number; and
- (4) In the discretion of the Department, by any other method it determines.

(b) The Department before issuing or reissuing a certificate of title shall check the name of the owner and the certificate of title number of the vehicle against the record provided for in subsection (a).

Section 31. Schedule of Fees and Commissions.

(a) There shall be paid to the Department for issuing and processing documents required by this Act fees according to the following schedule:

- (1) Each application for certificate of title\$4.00
- (2) Each application for replacement or corrected certificate of title\$3.00
- (3) Each application for certificate of title after transfer\$3.00
- (4) Each notice of security interest\$2.00
- (5) Each assignment by lienholder\$2.00
- (6) Each application for ordinary certificate of title upon surrender of a distinctive certificate\$3.00
- (7) Each application for information as to the status of the title of a vehicle\$1.00

(b) The designated agents shall add the sum of Fifty Cents (\$.50) to each document processed for which a fee is charged to be retained as his commission for services rendered, and all other fees collected shall be remitted to the Department.

(c) If more than one (1) transaction be involved in any application on a single vehicle and if supported by all required documents, the fee charged by the Department and by the designated agent for processing and issuing shall be considered as only one (1) transaction for which the designated agent shall receive and retain Fifty Cents (\$.50) and shall collect and remit to the Department three (\$3.00) dollars.

Section 32. Disposition of Fees. (a) From the fee received by the Department of Revenue for each application for certificate of title as provided in Section 31 (a)(1) the Department shall remit \$1.00 to the county in which the application for certificate of title was prepared which sum shall be paid into the treasury of the county; provided however that in all counties where the probate judge is reimbursed on a fee basis instead of on a salary basis, then \$0.50 shall be paid to the probate judge and \$0.50 into the treasury of the county.

Section 32-A. Assessment of Motor Vehicle for Ad Valorem Taxes. No motor vehicle required to be titled under the provisions of this Act shall be assessed for ad valorem taxes by an tax assessor, Director of Revenue or other County official authorized and required by law to assess motor vehicles for ad valorem taxes unless the application therefor is accompanied by a copy of an application for a certificate of title to such vehicle, a certificate of title to such vehicle, a duplicate certificate of title to such vehicle where the original is held by a lienholder, or a copy of an application for a replacement certificate of title, provided, however, when the owner of a motor vehicle has complied with the provisions of this section in licensing a motor vehicle or having the license for a motor vehicle transferred to him this section shall not apply thereafter to the renewal of such license by such owner of such motor vehicle.

Section 33. Issuance of License Plates. No motor vehicle license (or license plate) may be issued and no motor vehicle license (or license plate) may be transferred for use on a motor vehicle required to be titled under this Act except on presentation by the owner to the Judge of Probate or other issuing officer, the copy of an application for a certificate of title to such vehicle, a certificate of title to such vehicle, a duplicate certificate of title to such vehicle where the original is held by a lienholder, or a copy of the application for a replacement certificate of title, provided however, when the owner of a motor vehicle has complied with the provisions of this section in licensing a motor vehicle transferred to him this section shall not apply thereafter to the renewal of such license by such owner of such motor vehicle.

ARTICLE III — ANTITHEFT LAWS

Section 34. Exceptions from Provisions of this Article.

This article does not apply to the following unless a title certificate has been issued on such vehicles under this Act:

- (a) A vehicle moved solely by animal power;
- (b) An implement of husbandry;
- (c) Special mobile equipment; and
- (d) A self-propelled wheel chair or invalid tricycle.

Section 35. Unauthorized Use of a Vehicle.

A person not entitled to possession of a vehicle who, without the consent of the owner and with intent to deprive him, temporarily or otherwise, of the vehicle or its possession, takes, uses or drives the vehicle is guilty of a felony.

Section 36. Receiving or Disposing of a Vehicle.

A person not entitled to the possession of a vehicle who receives, possesses, conceals, sells or disposes of it, knowing it to be stolen or converted under circumstances constituting a crime, is guilty of a felony.

Section 37. Damaging or Tampering with a Vehicle.

(a) A person who, wilfully and without right to do so, damages a vehicle or damages or removes any of its parts or components is guilty of a misdemeanor.

(b) A person who, without right to do so and with intent to commit a crime, tampers with a vehicle, or goes in or on it, or works or attempts to work any of its parts or components, or sets or attempts to set it in motion, is guilty of a misdemeanor.

Section 38. Stolen, Converted, Recovered and Unclaimed Vehicles.

(a) A peace officer who learns of the theft of a vehicle not since recovered, or of the recovery of a vehicle whose theft or conversion he knows or has reason to believe has been reported to the Department, shall forthwith report the theft or recovery to the Department.

(b) An owner or a lienholder may report the theft of a vehicle, or its conversion if a crime, to the Department, but the Department may disregard the report of a conversion unless a warrant has been issued for the arrest of a person charged with the conversion. A person who has so reported the theft or conversion of a vehicle shall, forthwith after learning of its recovery, report the recovery to the Department.

(c) An operator of a place of business for garaging, repairing, parking or storing vehicles for the public, in which a vehicle remains unclaimed for a period of thirty (30) days, shall, within thirty (30) days after the expiration of that period, report the vehicle as unclaimed to the Department. Such report shall be on a form prescribed by the Department.

A vehicle left by its owner whose name and address are known to the operator or his employee is not considered unclaimed. A person who fails to report a vehicle as unclaimed in accordance with this subsection forfeits all claims and liens for its garaging, repairing, parking or storing and is guilty of a misdemeanor punishable by a fine of not more than One Hundred Dollars (\$100.00).

(d) The Department shall maintain and appropriately index weekly cumulative public records of stolen, converted,

recovered and unclaimed vehicles reported to it pursuant to this section. The Department may make and distribute weekly lists of such vehicles so reported to it to peace officers upon request without fee and to others for the fee, if any, the Department prescribes.

(e) The Department may suspend the registration of a vehicle whose theft or conversion is reported to it pursuant to this section; until the Department learns of its recovery or that the report of its theft or conversion was erroneous, it shall not issue a certificate of title for the vehicle.

Section 39. False Report of Theft or Conversion.

A person who knowingly makes a false report of the theft or conversion of a vehicle to a peace officer or to the Department is guilty of a misdemeanor.

Section 40. Removed, Falsified or Unauthorized Identification Number, Registration or License date on Vehicle or Engine.

(a) A person who wilfully removes or falsifies an identification number of a vehicle or an engine for a vehicle is guilty of a misdemeanor.

(b) A person who, wilfully and with intent to conceal or misrepresent the identity of a vehicle or engine, removes or falsifies an identification number of the vehicle or engine, is guilty of a felony.

(c) A person who buys, receives, possesses, sells or disposes of a vehicle or an engine for a vehicle, knowing that an identification number of the vehicle or engine has been removed or falsified, is guilty of a misdemeanor.

(d) A person who buys, receives, possesses, sells or disposes of a vehicle or an engine for a vehicle, with knowledge that an identification number of the vehicle or engine has been removed or falsified and with intent to conceal or misrepresent the identity of the vehicle or engine, is guilty of a felony.

(e) A person who removes a license plate or tag from a vehicle or affixes to a vehicle a license plate or tag not authorized by law for use on it, in either case with intent to conceal or misrepresent the identity of the vehicle or its owner, is guilty of a misdemeanor.

(f) As used in this section:

(1) "Identification number" includes an identifying number, serial number, engine number or other distinguishing number or mark, placed on a vehicle or engine by its manufacturer

or by authority of the Department or in accordance with the laws of another state or country;

(2) "Remove" includes deface, cover and destroy;

(3) "Falsify" includes alter and forge.

(g) An identification number may be placed on a vehicle or engine by its manufacturer in the regular course of business or placed or restored on a vehicle or engine by authority of the Department without violating this section; an identification number so placed or restored is not falsified.

Section 41. Dismantling, Destruction, Change of Identity of Vehicle; Motor Vehicle Declared Salvage.

(a) Each owner of a motor vehicle and each person mentioned as owner in the last certificate of title, when such motor vehicle is dismantled, destroyed, or changed in such a manner that it is not the motor vehicle described in the certificate of title, shall surrender his certificate of title to the Department of Revenue and thereupon said department shall with the consent of any holders of any liens noted thereon, enter a cancellation upon its records. Upon cancellation of a certificate of title in the manner prescribed by this section, the department shall cancel all certificates and all memorandum certificates in that chain of title.

(b) When the frame or engine is removed from a motor vehicle and not immediately replaced by another frame or engine, or when when an insurance company has paid money as compensation for a total loss of any motor vehicle, such motor vehicle shall be considered to be salvage. The owner of every motor vehicle in which total loss or salvage has occurred shall, within seventy-two (72) hours after such total loss or salvage occurs, forward to the department the title to the motor vehicle along with its manufacturer's identification number plate(s) and license plate(s), whereupon the department shall process the title and plate(s) in a manner prescribed by law or regulation. An insurance company which pays money as compensation for total loss of a motor vehicle shall obtain such vehicle's certificate of title, manufacturer's identification number plate(s), and license plate(s), and within seventy-two (72) hours after receiving them, shall forward them to the department for processing. In the event the payment was made because of the theft of the vehicle, which shall be considered as total loss as defined in this section, the insurance company shall, in addition to forwarding the certificate of title as provided herein, forward the vehicle's identification number plate(s) and license plates to the department as soon as practicable after the vehicle is recovered. However, nothing

in this subsection shall be applicable when a stolen motor vehicle is recovered in substantially intact condition and is readily resaleable without extensive repairs to or replacement of the frame or engine.

(c) It shall be unlawful for the owner of any junkyard, scrap metal processing plant, or salvage yard or his agents or employees to have in their possession any motor vehicle which is junk or salvage or a total loss when the manufacturer's identification number plate(s), serial plate(s), and motor vehicle license plate have not been removed therefrom in accordance with the provisions of Section 17 of this Act. Any person who violates this subsection shall, upon conviction, be guilty of a felony and shall be punished by imprisonment in the state penitentiary for not more than five (5) years or by fine of not more the \$5,000 or by both such fine and imprisonment.

(d) It shall be unlawful for any person, firm, or corporation to possess, sell, or exchange, offer to sell or exchange, or to give away any certificate of title or manufacturer's identification number plate(s), serial plate(s) or motor vehicle license plate of any motor vehicle which has been sold as junk or salvage or as a total loss contrary to the provisions of this section, and every officer, agent, or employee of any person, firm or corporation, and every person who shall authorize, direct, aid in, or consent to the possession, sale, or exchange or offer to sell, exchange, or give away such certificate of title or manufacturer's identification number plate(s), serial plate(s) or motor vehicle license plate shall, upon conviction, be guilty of a felony and shall be punished by imprisonment in the state penitentiary for not more than five (5) years or by a fine of not more than \$5,000 or by both such fine and imprisonment.

(e) For the purposes of this section, a total loss shall occur when the insurer pays to any person seventy-five (75) percent or more of the cost, at the time of loss, or replacing the wrecked or damaged vehicle with one of like kind and quality.

Section 42. Right of Inspection for Violations of this Act.

(a) Any sheriff, deputy sheriff, policeman of an incorporated municipality or duly authorized representative of the Department of Public Safety or Department of Revenue of this State may enter into the premises of any automobile salvage dealer, junk yard, automobile or other motor vehicle dealer licensed therefor by the State of Alabama or any political subdivision thereof and inspect the identification numbers of all motor vehicles or parts thereof contained on said premises,

at any time of the day or night in order to enforce the provisions of this Act.

(b) Any sheriff, deputy sheriff, policeman of an incorporated municipality or duly authorized commissioned law enforcement officer of the Department of Public Safety or the Department of Revenue of this state shall have the power to serve and execute any and all search warrants obtained in accordance with law for the purposes of the provisions of this Act.

(c) Interference by any person with proper inspection by lawful officers as authorized by this section is a misdemeanor.

Section 43 Principals.

A person who, whether present or absent, aids, abets, induces, procures or causes the commission of an act which if done directly by him, would be a felony or a misdemeanor under a provision of this Act, is guilty of the same felony or misdemeanor.

Section 44. Offenses Relating to Title and Registration—Felonies.

A person is guilty of a felony who, with fraudulent intent:

- (a) Alters, forges or counterfeits a certificate of title;
- (b) Alters or forges an assignment of a certificate of title, or an assignment or release of a security interest, on a certificate of title or a form the Department prescribes;
- (c) Has possession of or uses a certificate of title, knowing it has been altered, forged or counterfeited; or
- (d) Uses a false or fictitious name or address, or makes a material false statement, or fails to disclose a security interest, or conceals any other material fact, in an application for a certificate of title.

Section 45. Offenses Relating to Title and Registration—Misdemeanors.

A person is guilty of a misdemeanor who:

- (a) With fraudulent intent, permits another, not entitled thereto, to use or have possession of a certificate of title;
- (b) Wilfully fails to mail or deliver a certificate of title or application therefor to the Department within ten (10) days after time required by this Act;

(c) Wilfully fails to deliver to his transferee a certificate of title within ten (10) days after the time required by this Act; or

(d) Knowingly and wilfully commits a fraud in any application for a title or registration; or

(e) Wilfully violates any other provision of this Act, except as otherwise provided in this Act.

Section 46. Penalties. Unless another penalty is provided in this Act:

(a) **Felonies.** A person convicted of a felony for the violation of a provision of this act is punishable by a fine of not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or by imprisonment for not less than one (1) year nor more than ten (10) years, or by both such fine and imprisonment.

(b) **Misdemeanors.** A person convicted of a misdemeanor for the violation of a provision of this act is punishable by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.

Section 47. Enforcement.

The Department is charged with the enforcement of the provisions of this Act and it is hereby authorized and empowered to call upon any and all law enforcement agencies and officers of this State for such assistance as it may deem necessary in order to assure such enforcement; and it shall be the duty of such law enforcement agencies and officers to render such assistance to the Department when called upon by it to so do.

Section 48. Forms and Rules.

Sixty (60) days prior to the effective date of this Act, the Department shall provide each designated agent with a supply of forms and the rules and regulations provided for in this Act, and shall furnish each designated agent with at least five (5) copies thereof.

Section 49. Short Title.

This Act may be cited as the "Alabama Uniform Certificate of Title and Antitheft Act."

Section 50. Appropriations.

There is hereby appropriated for the use of the Department in carrying out its duties and obligations under this Act,

for the fiscal year beginning October 1, 1973, \$500,000 and for the fiscal year beginning October 1, 1974, \$950,000. Any part of the appropriation for the fiscal year beginning October 1, 1973, which remains unexpended on September 30, 1974, is hereby appropriated for use by the Department in complying with this Act during the next succeeding fiscal year and such unexpended amount shall be in addition to the amount herein appropriated for use in that fiscal year.

Section 51. Severability.

The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 52. Repealer.

This Act is supplemental to other laws relative to motor vehicles and offense relating thereto and insofar as possible shall be construed in *pari materia* with such laws. Nevertheless, all laws or parts of laws in conflict or inconsistent with this Act are hereby repealed.

Section 53. Effective date.

The provisions of this Act shall become effective on the 1st day of October, 1973 .

Approved September 5, 1973.

Time: 4:30 P.M.

Act No. 766

H. 401—Kinsey, Benton

AN ACT

To amend Act No. 880, H. 675 of the Regular Session of 1965 which applies in all counties having populations of 60,000 or more according to the 1960 federal decennial census and special courts where probation services for juvenile delinquents is not now provided by the Department of Pensions and Security and regulates the expenditure of state and county funds to pay for the cost of the salaries of juvenile court probation officers in such counties, and make an appropriation therefor, amending such Act so as to make such Act apply to counties having populations of 59,000 or more according to the most recent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 880, H. 675 of the Regular Session of 1965 is hereby amended to read as follows:

“An Act To apply in all counties having a population of

59,000 or more according to the most recent federal decennial census and having special courts where the probation services for juvenile delinquents is not now provided by the Department of Pensions and Security; to authorize and require the expenditure of state funds to pay part of the cost of the salaries of juvenile court probation officers in all such counties when such probation officers are certified by the State Department of Pensions and Security under standards prescribed by the State Board of Pensions and Security; to authorize the matching of state funds with county funds; and to appropriate from any funds in the state treasury not otherwise appropriated money necessary for carrying out the purposes of this Act."

Section 2. Section 1 of said Act No. 880, H. 675 of the Regular Session of 1965 is hereby amended to read as follows:

"Section 1. Payment is hereby authorized from the state treasury of a part of the cost of the salary of certain probation officers appointed by special courts dealing with juvenile cases. These funds will be paid out of the state treasury for such purpose when request is made by the governing body of any county in Alabama having a population of 59,000 or more according to the most recent federal decennial census and having special courts where probation services for juvenile delinquents is not now furnished by the Department of Pensions and Security. The maximum number of such probation officers shall not exceed one for each 30,000 inhabitants or a fraction thereof. Provided, however, in the event the Governor should determine that the maximum number of probation officers as allowed by this law are not needed, then the Governor may limit such maximum number of probation officers."

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 5, 1973.

Time: 4:30 P.M.

Act No. 767

H. 411—Collins

AN ACT

To fix the salary of the Tax Assessor of Mobile County and to regulate the payment thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. The Tax Assessor of Mobile County shall be

compensated on a salary basis. He shall be paid a salary of nineteen thousand nine hundred and fifty dollars (\$19,950.00) per annum. Such salary shall be paid in the same manner and at the same time as salaries are paid to employees of that office.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall take effect at the commencement of the term of office of the Tax Assessor of Mobile County which begins next after the passage and approval of this Act.

Approved September 5, 1973.

Time: 4:30 P.M.

Act No. 768

H. 892—Gafford, Timmons, Dill, Wallace, Hughes, Boles, McNair, Doss, Boutwell, McBride, Waggoner, Meeks, Weeks, Adwell, Bowers, McMillan

AN ACT

To amend Section 3 of Act No. 530, H. 1096, Regular Session 1959 (Acts 1959, p. 1305), so as to further provide for voter reidentification in all counties in the state having a population of 500,000 or more according to the last or any subsequent federal census.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 530, H. 1096, Regular Session 1959 (Acts 1959, p. 1305) is hereby amended to read as follows:

“Section 3. A voter may reidentify himself in any one of the following ways: (a) He may reidentify himself by appearing in person at the office of the Board of Registrars and answering such questions and submitting such proof as may reasonably be required by the Board of Registrars or one of its duly authorized employees to establish his identity and place of legal residence and that he has not become disqualified from voting in such county. (b) He may reidentify himself by filling in and mailing to the office of the Board of Registrars the completed answers to such questions as may reasonably be propounded and mailed to him in a written questionnaire by the Board of Registrars. Such questionnaire may contain such questions as are reasonably necessary to establish the identity of the person signing such questionnaire, the place of his legal

residence, and that he has not become disqualified from voting in such county. All answers to such questionnaires shall be signed by the elector in the presence of at least two witnesses who are qualified electors of such county and who shall sign his answers as attesting witnesses. (c) He may reidentify himself at any election at which he votes during 1971 or 1981 (or any tenth year thereafter), by filling out and signing answers to the questionnaire prepared by the Board of Registrars in the presence of a clerk, manager or returning officer at such election. Such clerk, manager or returning officer shall sign the answers of such voter as an attesting witness. The returning officer shall transmit all such filled in and signed answers to questionnaires to such Board of Registrars. (d) Any voter who has been purged from the list of qualified electors for failure to reidentify may reidentify himself on any election day at the office of the Board of Registrars by appearing in person. He will be given a certificate to take to the polls in order to vote on that day."

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 5, 1973.

Time: 4:30 P.M.

Act No. 769

H. 1362—Drake, McDonald, St. John

AN ACT

Applying to Cullman County; to increase the expense allowance of certain county officers.

Be It Enacted by the Legislature of Alabama:

Section 1. The county officers listed herein below of Cullman County shall be entitled to receive an expense allowance in the amount indicated for the respective officer, which shall be in addition to any and all other salary, compensation or allowances now received by such officer, payable in monthly installments out of general fund of the county.

Intermediate Court Judge	\$2300
Tax Collector	\$2300
Tax Assessor	\$2300
Judge of Probate	\$1100
Clerk of the Circuit Court	\$2700
Register of the Circuit Court	\$1300
Chairman of the County Governing Body	\$3200
Each associate member of the county body	\$1200

Section 2. Each member of the Cullman County Commission on Education shall be entitled to receive an annual expense allowance of \$240, which shall be in addition to any other salary, compensation or allowances now received by such member, payable in twelve monthly installments out of the public school funds of the county.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 6, 1973.

Time: 4:30 P.M.

Act No. 770

H. 1400—Coshatt

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the Town of Springville in St. Clair County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the Town of Springville in St. Clair County are hereby altered, rearranged and extended so as to include within the corporate area now embraced within the corporate limits of the town, the following described property:

S $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 28, Twp. 14 South, Range 2 East. SW $\frac{1}{4}$ of Sec. 28, and the SE $\frac{1}{4}$ of Sec. 29, all in Twp. 14 South, Range 2 East, LESS AND EXCEPT THE FOLLOWING DESCRIBED PROPERTY: Beginning at the Southeast corner, SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 28, Twp. 14 South, Range 2 East and run thence north along $\frac{1}{4}$ $\frac{1}{4}$ line to the northerly boundary of A. G. S. Railroad, said point being the Southeast corner of the James S.

Jones property; thence westerly along said northerly boundary 472 feet more or less to southwest corner of said James S. Jones property; thence northerly along James S. Jones westerly boundary 600 feet more or less to the southerly boundary of U. S. 11 Highway; thence southwesterly along said boundary 2,790 feet, more or less, to the northeast corner of the M. C. Galbreath property, thence south along M. C. Galbreath easterly property line 208.7 feet to the south boundary of Sec. 29, Twp. 14 South, Range 2 East; thence east along said south line and the south line of Sec. 28, Twp. 14 South, Range 2 East to point of beginning, all in St. Clair County, Alabama.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 5, 1973.

Time: 4:30 P.M.

Act No. 771

H. 1445—Barkett

AN ACT

To amend Section 8 of Act No. 25, H. 18, Second Special Session 1971 (1971 Acts, p. 4151), an act creating and establishing an Inferior Court in Dale County, Alabama, so as to provide further for certain fees and costs of court.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 8 of Act No. 25, H. 18, Second Special Session 1971 (1971 Acts, p. 4151), an act creating and establishing an Inferior Court in Dale County, Alabama is hereby amended to read as follows:

“Section 8. (a) For their attendance upon the sessions of the court, witnesses shall be entitled to the fees and allowances prescribed by law and for witnesses in the Circuit Courts, which fees and allowances shall be taxed, collected, and paid in the same manner and according to the same regulations as apply in the Circuit Courts.

“(b) In addition to the fees for witnesses, the court shall have authority to tax costs, except trial tax as provided for in Title 51, Section 20, Code of Alabama 1940 (Recomp. 1958) as amended, for the uses of the court and officers thereof as follows: (1) in every civil action at law, the same as in the Circuit Court; (2) in each equity case, the same as in the Circuit Court; (3) in every criminal case, the same as in the county courts; (4) for issuance of peace warrants in addition to other costs and commissions provided by law the sum of twenty-five dollars (\$25) to be paid into the general fund of the county; (5) the court shall tax other costs and

commissions as prescribed by law (both general and local acts).

"(c) A trial tax of two dollars (\$2.00) shall be collected for the use of the county in each civil action at law, if the sum in controversy does not exceed one hundred dollars (\$100). In every other civil action at law, in every suit in equity, and in every criminal case, a trial tax of five dollars (\$5.00) shall be collected for the use of the county.

"(d) No cost shall be taxed in juvenile cases.

"(e) In addition to the fines and forfeitures now provided by law to be paid into the general fund of Dale County, Alabama, one-half (50%) of all other fines and forfeitures collected in this court are to be paid into the general fund of Dale County, Alabama.

"(f) (1) The Clerk or Register of the Inferior Court shall require the parties instituting any civil action, suit or proceeding in such court, whether it be original process or otherwise, to pay a filing fee of fifteen dollars (\$15), except that on application for a writ of habeas corpus the filing fee shall be five dollars (\$5), this fee shall be refunded to the party instituting the action, suit or proceeding, upon the payment of the court cost incurred in the proceeding.

"(2) The court by rule or standing order may require advanced payment of cost and fees.

"(g) (1) The court may authorize the commencement, prosecution, or defense of any suit action or proceeding, civil or criminal without prepayment of fees and cost of security therefor, by a person who makes affidavit that he is unable to pay such cost or give security therefor. Such affidavit shall state the nature of the action or defense, and affiant's belief that he is entitled to redress.

"(2) The court may dismiss the case if the allegations of poverty are untrue, or if satisfied that the action is frivolous or malicious.

"(3) Judgment may be rendered for cost at the conclusion of the suit or action, as in other cases."

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 5, 1973.

Time: 4:30 P.M.

Act No. 772

H. 1456—Weeks, Boutwell, Ellis, Meeks,
Hughes, Dill, Adwell, McMillan,
Waggoner, McBride, McNair,
Falkenburg

AN ACT

To amend the Title and Section 1 of Act No. 77 of the First Special Session 1964, providing for and fixing an allowance for expenses for the mayor or other chief executive officer of any city having a population of three hundred thousand inhabitants or more according to the last or any subsequent federal census.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 77 of the First Special Session 1964, is hereby amended to read as follows:

“To provide for and fix an allowance for expenses for the mayor or other chief executive officer of any city having a population of three hundred thousand inhabitants or more according to the last or any subsequent federal census, for which he shall not be required to file an accounting; and to provide that such mayor or chief executive officer shall attend as the official representative of the city such meetings and conferences in said city to which he is invited and which will in the opinion of such mayor or chief executive officer result in the advertisement of such city or function or undertaking of such city.”

Section 2. Section 1 of Act No. 77 of the First Special Session 1964, is hereby amended to read as follows:

“Section 1. The mayor or other chief executive officer of any city having a population of three hundred thousand or more inhabitants according to the last or any subsequent federal census shall be paid by such city, in addition to the compensation provided by law for such office, the additional sum of Three Hundred Dollars per month, payable in advance on the first day of each month as an allowance for expenses incident to the office of mayor, for which he shall not be required to file an accounting.

Provided further, upon the effective date of this Act, the said Mayor or other chief executive officer shall be paid by such city the sum of Two Hundred Dollars per month in addition to the sum provided above as a further allowance for expenses incident to such office, for which he shall be required to file an accounting and provided further, that the said further allowance for expenses in the amount of Two Hundred Dollars per month shall terminate on the second Monday in November, 1975.”

Section 3. This Act shall become effective immediately

upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 5, 1973.

Time: 4:30 P.M.

Act No. 773

H. 1485—McDonald, Drake

AN ACT

Relating to the twenty-seventh judicial circuit; to provide for an expense allowance of \$3,600.00 per year to the district attorney of said judicial circuit to be supplemented by any county located in said district, in addition to any regular compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. The district attorney of the twenty-seventh judicial circuit shall receive, in addition to any regular annual compensation, an annual expense allowance of \$3,600.00, payable monthly from the treasury of any county located in said judicial district.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law; and this act shall be void on and after January 20, 1975.

Approved September 5, 1973.

Time: 4:30 P.M.

Act No. 774

H. 1575—Falkenburg, Erdreich, Waggoner,
McMillan, Timmons, Hughes,
Adwell, Doss, Boutwell, Meeks,
Bowers, Dill, Ellis, Weeks, McNair

AN ACT

Relating to inferior court judges of Jefferson County; authorizing such judges to elect to assume supernumerary status; prescribing the procedure for such election, and prescribing qualifications and conditions

necessary for such judges to become supernumeraries; providing for their compensation, and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. Any judge of any court of Jefferson County which is subordinate to the circuit court of that County and established by statute who meets the qualifications prescribed in Section 2 of this Act, may elect to become a supernumerary inferior court judge of Jefferson County by filing a written declaration to that effect with the Governor, who shall, if the declarant meets the qualifications set out in this Act, thereupon issue to such declarant a commission as supernumerary inferior court judge of Jefferson County. Such supernumerary inferior court judges shall hold office during good behavior and may be removed only by impeachment for causes specified in the Constitution. The office made vacant when any such judge elects to become a supernumerary inferior court judge shall be filled in the manner provided by law.

Section 2. Any inferior court judge or former inferior court judge of Jefferson County, Alabama,

(a) who has served continuously for twelve years as judge of an inferior court, and who has become physically unable to carry out his duties on a full time basis, proof of such disability being made by certificate of three reputable physicians; or

(b) who has served for fifteen years as judge of an inferior court, and/or district attorney, and/or assistant district attorney, and/or deputy district attorney, and/or assistant deputy district attorney, and/or circuit solicitor, and/or deputy circuit solicitor, and/or assistant deputy circuit solicitor (provided that at least 12 years of this service must be as an inferior court judge), and who is not less than 65 years of age, may elect to become a supernumerary inferior court judge of Jefferson County by filing a declaration, as provided in Section 1 of this Act.

Section 3. Each supernumerary inferior court judge of Jefferson County shall receive a salary of \$9,600 per annum payable from the treasury of Jefferson County in the same manner in which active inferior court judges are paid. Such inferior court judges shall take the oath of office prescribed for judicial officers. Each such judge shall, from time to time, upon the written request of the presiding judge of the circuit court, perform the duties of judge in any inferior court of this county, and shall be paid the same rate of compensation during the performance of such duties as the judge for whom he is serving.

Section 4. Any judge becoming eligible for supernumerary status under the provisions hereof who is also a member of The General Retirement System for Employees of Jefferson County shall not be entitled to receive benefits under both the provisions hereof and said retirement system, but must make an election as to whether he will become a supernumerary judge under the provisions hereof, such election to be made prior to his receiving benefits under this Act.

Section 5. Any judge who is a member of said retirement system who elects to come under the provisions of this Act shall be paid, upon application therefor, the full amount of his deposits and contributions to the fund of said retirement system, less one-half any disability benefits paid to him thereunder. He shall not receive any interest for the period during which his deposits and contributions remain in said fund.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. All laws or parts of laws which conflict with this Act are repealed.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 5, 1973.

Time: 4:30 P.M.

Act No. 775

H. 1596—Kinsey, Benton

AN ACT

Relating to counties with a population of not less than 57,000 nor more than 61,000; prohibiting operation of vehicles upon coastal sand dunes located 50 feet or further from the water line without written permission of the landowner; providing punishment for violation of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than 57,000 nor more than 61,000 according to the most recent federal decennial census, no person shall operate a motor vehicle upon coastal sand dunes located fifty feet or further from the water line without expressed written permission of the landowner. This written permission must be kept in such vehicle while it is being operated.

Section 2. The Department of Conservation and Natural Resources shall post notices of this act at reasonable intervals along all applicable beaches. Provided, however, that lack of notice on the part of any individual shall not be a defense to violations of this act.

Section 3. Any person found guilty of violating the provisions of this act shall be guilty of a misdemeanor and subject to a fine not to exceed one thousand dollars (\$1,000) and/or a term of imprisonment in the county jail not to exceed twelve months.

Section 4. The provisions of this Act shall not apply to vehicles operated by a utility or its agents in the construction, maintenance, or repair of utility facilities or rights-of-way located on or near such beaches or sand dunes.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 5, 1973.

Time: 4:30 P.M.

Act No. 776

H. 1615—McBride, Doss, Boles, Hughes

AN ACT

To apply to all counties having populations of 500,000 or more inhabitants according to the last or any subsequent federal decennial census; to provide and require that in the condemnation of lands for ways and rights of ways for sewer lines and water lines the value of any enhancement to the remaining lands of such owner or owners that such sewer line or water line may cause shall be applied to reduce or off-set the value of any land or right-of-way taken or damages to the remainder for the construction of such sewer line or water line.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in counties of the state having a population of 500,000 or more inhabitants according to the last or any subsequent federal decennial census.

Section 2. In the condemnation of lands for ways or rights of ways for sewer lines and water lines, the commissioners appointed in the probate courts and the courts or juries of appeal, shall reduce or off-set the value of any lands or rights

of way taken or damages to the remainder, from the construction of such lines or water lines, by the value of any enhancement to the remaining lands of such owner or owners that such sewer line or water line may cause.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 5, 1973.

Time: 4:30 P.M.

Act No. 777 H. 1621—Erdreich, Meeks, Adwell, Falkenburg,
Dill, Doss, Boutwell, Weeks,
Timmons, McMillan, Boles, Hughes,
Bowers, McNair

AN ACT

To grant to any Civic Center Authority now or hereafter incorporated in any County having a population of more than 500,000, according to the last or any subsequent Federal census, organized under the provisions of Act No. 547, enacted by the Legislature of Alabama at its 1965 Regular Session and approved August 20, 1965 (Acts of 1965, pp. 797, et seq.) as amended, the power and authority to borrow money, to issue as evidence of its obligation to repay such money, its negotiable promissory notes and to provide the security for such notes and the refunding thereof by the issuance of notes or bonds.

Be It Enacted by the Legislature of Alabama:

Section 1. Each Civic Center Authority heretofore or hereafter incorporated in any County having a population of more than 500,000, according to the last or any subsequent Federal census, pursuant to Act No. 547, enacted by the Legislature of Alabama at its 1965 Regular Session, approved August 20, 1965 (Acts of 1965, p. 797 et seq.) as amended, is hereby granted the power and authority, in addition to the power and authority heretofore granted by act of the Legislature or by amendment to the Constitution, to borrow money from time to time for any corporate purpose and to issue its negotiable promissory note or notes to mature not later than three years from date of issue, as evidence of its obligation to repay the money so borrowed, with interest thereon, such notes to be payable solely (i) from one or more of the sources from which bonds authorized by said Act No. 547 or by Amendment CCLXXX to the Constitution (which was proposed by

Act No. 279 enacted by the Legislature of Alabama at its 1967 Regular Session) are payable and, if the note or notes shall be issued to provide funds for a purpose for which such bonds are authorized to be issued, also (ii) from the proceeds of any like promissory notes or bonds which may be issued to fund or refund such promissory notes. Any such Civic Center Authority shall have the same power and authority with respect to such negotiable promissory notes as those which were granted to it with respect to the issuance of bonds by Section 7 of said Act No. 547 and by said Amendment CCLXXX to the Constitution; provided, however, that such promissory notes may be placed or sold at private negotiated sale without competitive bidding, and such negotiable promissory notes may be executed without the seal of such Civic Center Authority being affixed thereto.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 5, 1973.

Time: 4:30 P.M.

Act No. 778

H. 1654—Williams

AN ACT

To alter, rearrange and extend the boundary lines of the town of Woodville, Jackson County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Jackson County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines of the Town of Woodville, Jackson County, Alabama, are hereby altered, rearranged and extended so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, so that the corporate limits of said Town of Woodville shall hereafter be comprised of all the territory lying within the following described boundaries situated in Jackson County, Alabama, to wit:

Commence at the Southeast corner of the Northeast quarter of the Southwest quarter of Section 13, Township 5 South, Range 3 East; thence run North along the center line of said Section 13 to the Southeast corner of the Southwest quarter of Section 12, Township 5 South, Range 3 East; thence run

North along the center line of said Section 12 to the Southeast corner of the Southwest quarter of Section 1, Township 5 South, Range 3 East; thence run North along the center line of said Section 1 to the Southeast corner of the Southwest quarter of Section 36, Township 4 South, Range 3 East; thence run North along the center line of said Section 36 to a point in the Elliott Reservation which point would be the Southeast corner of the Northwest quarter of said Section 36 if the center line of said Section 36 were extended into the Elliott Reservation; thence run West along the center line of said Section 36, if extended, to the Northeast corner of the Southeast quarter of Section 35, Township 4 South, Range 3 East; thence run West along the center line of said Section 35 to a point in the Stevens Reservation which point would be the southeast corner of the Northeast quarter of Section 34, Township 4 South, Range 3 East if the east line of said Section 34 were extended into the Stevens Reservation; thence run South along the East boundary of said Section 34, if extended, to the Northeast corner of Section 3, Township 5 South, Range 3 East; thence continue South along the East boundary of said Section 3 to the Southeast Corner of said Section 3; thence run West along the South boundary of said Section 3 to the Southwest corner of the Southeast quarter of the Southwest quarter of said Section 3; thence run South along the center line of the West half of Section 10, Township 5 South, Range 3 East to the Southeast corner of the Southwest quarter of the Southwest quarter of said Section 10; thence continue South along the center line of the West half of Section 15, Township 5 South, Range 3 East, to the Northeast corner of the Southwest quarter of the Southwest quarter of said Section 15; thence run East along the center line of the South half of said Section 15 to the Southeast corner of the Northeast quarter of the Southeast quarter of said Section 15; thence continue East along the center line of the South half of Section 14, Township 5 South, Range 3 East to the Southeast corner of the Northeast quarter of the Southeast quarter of said Section 14; thence continue East along the center line of the South half of Section 13, Township 5 South, Range 3 East to the Southeast corner of the Northeast quarter of the Southwest quarter of said Section 13, the point of beginning.

Section 2. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 3. The substantive provisions of this Act shall become operative only if the Act is approved by the qualified electors who reside within that part of the territory hereinabove described which is not presently included within the corporate limits of the Town of Woodville, voting in a referendum

election to be held on a day designated by the probate judge of Jackson County, not less than twenty nor more than forty days from the date of this enactment. The notice of the election shall be given by the probate judge of Jackson County, and the election shall be held, conducted and the results thereof canvassed in the manner prescribed by Article 2 of Chapter 5 of Title 37, Code of Alabama 1940, for giving notice of and conducting elections on the question of annexing territory to cities of twenty-five thousand or more inhabitants insofar as such provisions of said article may be appropriate; provided, however, no resolution of the municipal governing body need be made or filed with the probate judge, nor need a plat or map of the territory to be annexed be filed with the probate judge. The question shall be on the adoption of Act No. _____, H. _____ of the 1973 Regular Session of the Legislature, which alters, rearranges and extends the corporate limits of the Town of Woodville in Jackson County. Each voter may furnish his own ballot, and if he desires to vote for the adoption of said Act there shall be written or printed on such ballot the word "Yes." If he desires to vote against the adoption of such Act the word "No" shall be written or printed on his ballot. The Town of Woodville shall pay all costs and expenses incident to the election.

If a majority of the votes cast in the election are "yes" the provisions of this Act shall become operative immediately. If the majority are "No" this Act shall have no further effect.

Approved September 5, 1973.

Time: 4:45 P.M.

Act No. 779

H. 1671—Connell, Crawford

AN ACT

To create the office of commissioner of licenses in Houston County, Alabama, to provide for a more convenient and efficient method for the issuance of all licenses except marriage license, to provide for the appointment of such commissioner, the fixing of his salary, and the furnishing of quarters, supplies, and assistants to him, to amend Chapter 20, Title 51, Code of Alabama 1940, to transfer to such officer the duties of the probate judge relative to the issuance of all licenses, except marriage licenses, and the distribution of motor vehicles licenses tags, relative to assessing and collecting ad valorem taxes on motor vehicles, and repeal Section 835, Title 51, Code of Alabama 1940, to transfer to the commissioner of licenses the duties of the license inspector of such county, and to set out the manner in which certain of the duties hereby imposed on the commissioner of licenses shall be prescribed and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only to Houston County, Alabama.

Section 2. There is hereby created the office of commissioner of licenses who shall be elected at the next general election for any state officers held after the effective date of this act; and shall take office for a term of four years on the first Monday after the second Tuesday in January next succeeding his election, and upon taking office shall have access to all licenses except marriage licenses. The salary of the commissioner of licenses shall be fixed by the appointing board at \$10,500.00 annually and shall be payable in equal monthly installments from the general funds of the county.

Section 3. The commissioner of licenses shall be a county officer and he shall have an official seal of office and shall maintain his permanent office in the courthouse. Before entering upon the duties of his office, the commissioner of licenses shall take the oath of office prescribed by the constitution and enter into bond in such sum as may be fixed by the county governing body, giving as surety thereon a bonding company authorized to do business in this state. The bond shall be approved by the county governing body and filed with and recorded by the judge of probate of the county. All premiums on such bond shall be paid out of the general fund of the county.

Section 4. Suitable office space and all stationery, equipment, supplies and postage necessary for the conduct of this office shall be furnished by the governing body of the county to the commissioner of licenses except such stationery and supplies as the law now requires to be furnished by the State Department of Revenue or the State Comptroller.

Section 5. The commissioner of licenses herein provided for may appoint a chief clerk who shall, in his absence, have the power and authority herein granted to the commissioner of licenses. The commissioner of licenses may appoint a sufficient number of other clerks and assistants to properly perform the duties of his office. The compensation of the clerks and assistants shall be fixed by the commissioner of licenses subject to the approval of the county governing body and paid out of the general fund of the county in the same manner as the salaries of other county employees are paid.

Section 6. It shall be the duty of the commissioner of licenses to collect and issue all licenses, except marriage licenses, for exercising any rights or privileges for which a license is required, privilege licenses, store licenses, chain store licenses, milk licenses, boat licenses, hunting licenses,

fishing licenses, driver's licenses, licenses for motor vehicles, and any and all other licenses, except marriage licenses, which are now or which may hereafter be required by law to be paid to the State of Alabama or the counties thereof.

Section 7. Before any person, firm, or corporation shall engage in or carry on any business or do any act in any county in which this Act is applicable for which a license is required by law, he, they, or it, except as otherwise provided, shall pay to the commissioner of licenses the amount required for such licenses, and shall comply with all the requirements of this Act. All such licenses as shown in Section 6 of this Act, which are now or may hereafter be required by law to be issued, collected for and paid to the State of Alabama or the counties thereof in which this Act is applicable shall be issued and collected for in accordance with all sections of Chapter 20, Title 51, Code of Alabama, 1940, and all amendments thereto.

Section 8. On or after the first day of September each year, the commissioner of licenses, may mail an application in the form and containing the information hereinafter provided to all owners of motor vehicles listed as such in the motor vehicle records (including transfers) in his office, or at his option, to such owners as request that such application be mailed to them. The application shall be on a form to be provided by the State Department of Revenue. The application form shall contain a space for the name and address of the owner of the motor vehicle and the make, model, year, and motor number of his motor vehicle and such other information with respect thereto as the State Department of Revenue may prescribe. The application form shall also contain a space for the correct amount of ad valorem taxes (state, county, school districts and municipal) and the amount of the motor vehicle license tax due thereon and the issuance fee, including the mailing fee provided for herein. The application form shall also contain a space for the owner to fill in his present address, if different from that shown in the application form, and a space for his signature. The commissioner of licenses shall cause the application form to be filled in with the name and address of the owner; the description of the motor vehicle; the license tax and fees to become due on October 1 succeeding, as shown on the license registration and transfer records in his office; and the amount of ad valorem taxes on said motor vehicle for the preceding tax year as provided by Title 51, Section 704, Code of Alabama (1940) as amended. The commissioner of licenses shall thereupon cause the application, so filled in, to be mailed to the owner of the motor vehicle at his address shown thereon, or at the address to which such owner requests that the application form be mailed. The owner

of the motor vehicle, if he is still the owner of the motor vehicle and if he desires to pay his motor vehicle ad valorem taxes and license tax and secure his motor vehicle registration tag by mail, shall sign the application form, indicating thereon any change of address, and return the same by mail together with his remittance for ad valorem taxes, license taxes, and fees as shown thereon to the commissioner of licenses. Money orders and checks for the payment of such taxes and fees shall be made payable to the commissioner of licenses. Upon receipt of the signed application form and the remittance for the amount properly due for ad valorem taxes, license tax, and fees, the commissioner of licenses shall thereupon mail a receipt for such taxes and fees and the license tag for his motor vehicle to the owner thereof. When an application is returned to the commissioner of licenses, unsigned, or when less than the correct amount of the taxes and fees due therefor has been paid, due to a change of address or other causes, such application shall be returned to the owner for correction or for signature. A return of such application or remittance shall not, however, extend the time within which taxes may be paid or a tag secured. If more than the correct amount of taxes and fees is received, the commissioner of licenses shall retain the correct amount of taxes and fees and return the excess together with the tag for the motor vehicle.

Section 9. All applications for motor vehicle tags by mail and the correct amount of taxes and fees shall be received by the commissioner of licenses on or before November 10th preceding November 15th, the final date on which the motor vehicle license tag is payable without penalty, and the commissioner of licenses shall mail such tag on or before November 14th preceding such November 15th. The commissioner of licenses shall charge and collect a fee of \$1.00 for each motor vehicle license tag issued by mail, in addition to all fees prescribed by law. Such additional fee shall be paid by the owner of the motor vehicle with his mailed request for license tags, and such fees collected by the commissioner of licenses shall be paid into the general fund of the county. The procedure authorized by this Act for the payment of ad valorem taxes and motor vehicle license taxes and the issuance of license tags is optional, additional, and alternative to the procedure now provided by law. Each owner of a motor vehicle shall continue to have the right to pay taxes and to receive his tag in person without the payment of the additional fee hereinabove provided. All the forms necessary in the administration of this Act shall be furnished by the State Department of Revenue.

Section 10. The purchaser of an automobile shall within

ten days after transfer of title to him, have the transfer of title made on the records contained in the office of the commissioner of licenses at a fee of \$1.00; should the purchaser fail to so do he shall at the time his automobile is assessed for the preceding year pay to the commissioner of licenses the sum of \$5.00 as a penalty; this penalty shall be remitted by the commissioner of licenses to the county general fund.

Section 11. All duties now or which may hereafter be required by law of the judge of probate with reference to the issuance of all licenses, except marriage licenses, shall be performed by the commissioner of licenses and the commissioner of licenses shall be entitled to collect all fees, commissions, charges, penalties, and allowances now or hereafter fixed by law for the judge of probate to collect in connection with performance of said duties, and the judge of probate is relieved from any or all duties, liabilities and responsibilities with reference thereto. The fees, commissions, charges, penalties and allowances collected by the commissioner of licenses in connection with the performance of the duties hereinabove enumerated shall be distributed as now, or as hereinafter, provided by law, either general or local. All records in the custody of the judge of probate of a county relating to the duties herein imposed on the commissioner of licenses shall, upon the effective date of this Act in said county as hereinafter provided, be delivered to the commissioner of licenses of said county.

Section 12. The state comptroller is hereby required to furnish to the commissioner of licenses all books, records, and blanks, now or hereafter required by law to be furnished to the judge of probate in connection with the performance of his duties in the issuance or collection of licenses or privilege taxes.

Section 13. All duties required by law of the probate judge with reference to the assessment and collection of ad valorem taxes on automobiles, trucks, or other motor vehicles, shall be performed and exercised by the commissioner of licenses, and the probate judge of the county are hereby relieved of all duties and responsibilities with reference thereto. The commissioner of licenses shall collect for the assessment and collection of state and county ad valorem taxes on motor vehicles the same fees, charges, penalties and commissions fixed by law to be paid to the probate judge, for the same services. The fees, charges, penalties and commissions collected by the commissioner of licenses shall be distributed as now, or as hereinafter, provided by law, either general or local. All records in the custody of the probate judge of the county relating to the duties herein imposed on the commissioner of li-

censes shall, upon the effective date of this Act in said county as hereinafter provided, be delivered to the commissioner of licenses of said county.

Section 14. The State Department of Revenue shall furnish the Commissioner of licenses all forms and blanks necessary in connection with the performance of his duties in the assessment and collection of ad valorem taxes on automobiles, trucks, or other motor vehicles.

Section 15. On and after the termination of the services of any county license inspector now in office in any county in which this Act applies, the commissioner of licenses shall perform all duties required by law of a county license inspector and no county license inspector shall be appointed as authorized in Section 835, Title 51, Code of Alabama, 1940 as amended. The commissioner of licenses, his chief clerk and such other assistants as are duly authorized by him shall have authority and execute all citations, writs, and other processes that a county license inspector is authorized to execute. All the duties imposed upon a county license inspector as authorized by Section 835, Title 51, Code of Alabama, 1940, as amended shall be performed by the commissioner of licenses or his authorized agents. While performing the duties of a county license inspector required by this Act the commissioner of licenses shall be entitled to receive all the fees, citations, costs, penalties, commissions and other charges now or hereafter authorized by law to be collected by a county license inspector, and he shall also be entitled to receive the fifteen per cent penalty now required to be paid by delinquents on taking out licenses, and any other penalties that may hereafter be imposed upon the delinquent license taxpayers and all such monies collected shall be paid into the general fund of the county.

Section 16. It is the intent and purpose of this Act to provide a more convenient and efficient method of issuing licenses and to render a better service to the people of such counties, by incorporating in one county office the assessment and collection of all taxes on motor vehicles.

Section 17. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 18. All laws or parts of laws which conflict with this Act are repealed.

Section 19. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming law, and shall expire and be null and void on the date

of expiration of the four year term of office of the commissioner of licenses.

Approved September 5, 1973.

Time: 4:45 P.M.

Act No. 780

H. 1706—Owens

AN ACT

Relating to Bibb County; to amend Act No. 866, H. 1194, Regular Session 1969 (Acts 1969, p. 1577), which act provides for compensation of the sheriff, appointment of deputies, secretaries and jailors, so as to further provide for the salaries of certain members of the sheriff's staff and to provide an additional deputy for said sheriff.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 3, 4, 5 and 6 of Act No. 866, H. 1194, Regular Session 1969 (Acts 1969, p. 1577) are hereby amended to read as follows:

“Section 3. The sheriff of Bibb County shall with the approval of the county governing body, appoint a chief deputy whose salary shall be fixed by the governing body at not less than \$425.00 nor more than \$800.00 per month.

“Section 4. The sheriff shall, with the approval of the county governing body appoint three deputies whose salary shall be fixed by the governing body at not less than \$350.00 nor more than \$700.00 per month each.

“Section 5. The sheriff shall, with the approval of the county governing body appoint a secretary whose salary shall be fixed by the governing body at not less than \$300.00 nor more than \$500.00 per month.

“Section 6. The sheriff shall, with the approval of the county governing body, appoint two jailors, whose salary shall be fixed by the governing body at not less than \$150.00 nor more than \$500.00 per month.”

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. The provisions of this Act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately

upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 5, 1973.

Time: 4:45 P.M.

Act No. 781

H. 1732—Connell, Crawford

AN ACT

To amend Section 6 of Act Number 1205, H. 1451, page 2246, Regular Session of the Legislature of Alabama 1969, approved September 13, 1969, entitled "An Act relating to Houston County providing for the establishment of a consolidated and unified system for assessment and collection of taxes under the supervision of an elected county official designated as county revenue commissioner, and repealing conflicting laws".

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 6 of Act Number 1205, H. 1451, page 2246, Regular Session of the Legislature of Alabama 1969, approved September 13, 1969, entitled as aforesaid, be and the same is hereby amended to read as follows:

Section 6. The county revenue commissioner shall collect and pay into the general fund of the county all fees, percentages, commissions and other allowances which the tax assessor, the tax collector of the county are now or hereafter by law authorized or directed to charge or collect for the performance of any duty hereby imposed on the county revenue commissioner; as compensation for the performance of the duties of his office the county revenue commissioner shall receive an annual salary of Fifteen Thousand Dollars (\$15,000), said salary shall be paid in equal monthly installments and out of any funds of the county available for such purpose.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 5, 1973.

Time: 4:45 P.M.

Act No. 782

H. 1746—Carnes, Waldrop, Wynot

AN ACT

To provide that a judge, or former judge of the County Court of counties having a population of not less than 90,000, nor more than

100,000, according to the most recent federal decennial census may elect to become a supernumerary judge of said court under certain conditions; to provide for the duties, authority and compensation of any such supernumerary judge.

Be It Enacted by the Legislature of Alabama:

Section 1. Any judge, or former judge, of the County Court of counties having a population of not less than 90,000, nor more than 100,000, according to the most recent federal decennial census may elect to become a supernumerary judge of said court by filing a written declaration to that effect with the appropriate County Commission and the Clerk of the Supreme Court of Alabama, provided that such judge, or former judge, has in all manner and respects complied with the age and service requirements provided for supernumerary circuit judges under the general law of the state; provided, further, that years of service as judge of the County Court may be substituted in lieu of years of service as a circuit judge.

Section 2. Any person electing to become a supernumerary judge pursuant to the provisions of this act shall take the oath of office prescribed by the Constitution for judicial officers and shall have and exercise all the duties, power and authority with relation to such County Court as supernumerary circuit judges have with relation to circuit courts.

Section 3. Each person who elects to become a supernumerary judge of a County Court, pursuant to the provisions hereof, shall be paid compensation in the same amounts as provided from time to time to be paid to supernumerary circuit judges, said compensation to be paid to him in equal monthly installments from the general funds of such county.

Section 4. A supernumerary judge of a County Court shall, upon request of the governor, or upon the request of the chief justice, preside at any regular, special or adjourned term of the County Court, and shall receive for his services compensation from the County equal that due the regular judge for the performance of such duties.

Section 5. All laws, or parts of laws, in conflict herewith are hereby repealed.

Section 6. In the event that any part of this act shall be declared unconstitutional, the part or parts which remain shall not be affected.

Section 7. This act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 5, 1973.

Time: 4:45 P.M.

Act No. 783

H. 1747—Carnes, Wynot, Waldrop

AN ACT

To allow prospective jurors to be excused in capital cases outside the presence of the defendant in the Sixteenth Judicial Circuit of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. In all capital cases where trial by a jury is held before the Circuit Court of the Sixteenth Judicial Circuit of Alabama, any Circuit Judge of the Sixteenth Judicial Circuit of Alabama is authorized to excuse from service any prospective juror outside the presence of the defendant or defendants provided said juror has a legal excuse for being excused, and it shall be within the discretion of the said Circuit Judge to determine whether said prospective juror's excuse is legal; provided that in no case shall there be a smaller number of jurors to select from in said capital case than provided by law.

Section 2. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its approval by the Governor or upon its otherwise becoming a law.

Approved September 5, 1973.

Time: 4:45 P.M.

Act No. 784

H. 1752—Waggoner

AN ACT

To amend Section 94, Subsection (1) of Title 51, Code of Alabama 1940, as heretofore amended, which fixes the term of service and compensation of members of the Board of Equalization and Adjustments, in those counties in which the total assessed value of all taxable property, using the year 1955 as the basis, exceeds six hundred million dollars (\$600,000,000).

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 94, Subsection (1) of Title 51 of the Code of Alabama of 1940, as amended, be and is hereby amended to read as follows:

"Section 94. Term of Service and Compensation of Members of the Board.

"The annual term of service and compensation of members of the several county boards of equalization shall be on a basis of total assessed value of all taxable property, using the year 1955 as the basis, to be determined as follows: (1) In those counties in which the total assessed value of all taxable property exceeds six hundred million dollars (\$600,000,000) according to the tax assessor's abstract of assessments for said year, the members of the county board of equalization shall serve on a full time basis and each associate member shall be paid at the rate of nineteen thousand four hundred and twenty-five dollars (\$19,425) per annum and the chairman shall be paid at the rate of twenty-one thousand ninety dollars (\$21,090) per annum, payable in monthly installments."

Section 2. This act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 5, 1973.

Time: 4:45 P.M.

Act No. 785

H. 1779—Williams

AN ACT

Relating to all counties having a population of not less than 38,100 nor more than 40,500, according to the most recent federal decennial census; authorizing and providing for the establishment, maintenance, operation, control and financing of a public law library for the county.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than 38,100 nor more than 40,500, according to the most recent federal decennial census, the governing body shall establish and maintain a public law library in the county and may expend public funds, not otherwise appropriated, to provide suitable housing, quarters, furniture, fixtures and equipment for the library and to keep it in a good state of maintenance and repair; to expand, improve or add to the library, its facilities and equipment; to purchase such books and periodicals

as may be needed from time to time; to pay the salaries of a librarian and such other personnel as may be necessary, in amounts and to the extent that such salaries and other expenditures as herein authorized are not paid from the proceeds of a special fund hereinafter created for the purpose of defraying costs of the operation of the library.

Section 2. In each civil or quasi-civil action at law, suit in equity, criminal case, quasi-criminal case, proceeding on a forfeited bail bond, or proceeding on a forfeited bond given in connection with an appeal from a judgment of conviction in any inferior or municipal court to the circuit court, hereafter filed in, arising in, or brought by appeal, certiorari, or otherwise to the circuit court of any such county, there shall be taxed as costs the sum of One Dollar (\$1.00). In each criminal case hereafter filed in any statutory inferior court in any such county, there shall be taxed as costs the sum of One Dollar (\$1.00). In each civil case hereafter filed in any statutory inferior court in any such county, there shall be taxed as costs the sum of One Dollar (\$1.00). In all condemnation proceedings, and also administration of estates of deceased persons in the Probate Court of any such county, there shall be taxed as costs the sum of One Dollar (\$1.00). The cost shall be collected as other costs are collected by the clerk of said court or the register in chancery, or other collection officer of such courts, as the case may be, which cost shall be designated the "law library fee." Not later than the tenth day of each month such fees as have been collected during the preceding calendar month shall be covered into the county treasury to the credit of a special fund to be designated the County Law Library Fund.

Section 3. The management of the county public law library shall be vested in a committee consisting of three members elected for terms of one year by the county bar association. The management committee shall have full authority to purchase books and periodicals and other materials, equipment, and supplies and to fix the salaries of such personnel as may in the opinion of the committee be advisable and, if circumstances permit, to designate court officials to operate or to assist in the operation of the library. The committee may also from time to time sell or exchange any books, reports, periodicals and personal property, and apply the proceeds of the sale or the value thereof upon the purchase of other books, reports, periodicals, and personal property for use in the library, and may, in its discretion, accept any gifts or loan of such items upon terms and conditions stipulated by the lender or donor. The management committee shall have full authority to execute contracts in connection with the operation of the

law library which may create obligations constituting a proper charge payable from the County Law Library Fund and shall not thereby obligate the individual members of the committee.

Section 4. Expenditures from the County Law Library Fund shall be made on orders of the management committee. All books, periodicals and other property of the library shall be the property of any such county.

Section 5. All laws or parts of laws which conflict with this act are repealed.

Section 6. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 5, 1973.

Time: 4:45 P.M.

Act No. 786 H. 1780—Boutwell, Bowers, McNair, Falkenburg,
Boles, McMillan, Hughes, Doss

AN ACT

To amend Section 2 of Act No. 965, H. 1396, Regular Session 1969 (Acts 1969, p. 1710) which provides for the salary of the Register of the Circuit Court in all counties having a population of 600,000 or more according to the last or any succeeding federal census; so as to further provide for such salary.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 965, H. 1396, Regular Session 1969 (Acts 1969, p. 1710) is amended as follows:

“Section 2. That the Register of the Circuit Court in such Counties shall receive a salary of Seventeen Thousand, Seven Hundred and no/100 Dollars (\$17,700.00) per annum, which said salary shall be paid out of the County Treasury of such County in equal monthly installments.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 5, 1973.

Time: 4:45 P.M.

Act No. 787

H. 1801—Bassett, Hardin

AN ACT

Relating to any county having a population of not less than 24,900 nor more than 25,150 according to the most recent federal decennial census; to authorize the county governing body to provide and expense allowance for the deputy tax assessor, the deputy tax collector and the deputy circuit clerk of such county.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of any county having a population of not less than 24,900 nor more than 25,150 according to the most recent federal decennial census shall have the discretionary authority to provide the deputy tax assessor, the deputy tax collector, and the deputy circuit clerk an annual expense allowance not to exceed \$1,200, to be paid in equal monthly installments from the general fund of the county; such expense allowance to be in addition to any other expense allowance or salary provided.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 5, 1973.

Time: 4:45 P.M.

Act No. 788

H. 1803—Bassett, Hardin

AN ACT

To further regulate the clerk hire allowance of the tax assessor and tax collector in all counties having populations of not less than 24,900 nor more than 25,150 according to the most recent federal decennial census; to repeal Act No. 1051, H. 1420, Regular Session 1971 (Acts 1971, p. 1900).

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply to all counties having populations of not less than 24,900 nor more than 25,150 according to the most recent federal decennial census.

Section 2. The governing body of all such counties shall have the discretionary authority to provide both the tax assessor and the tax collector of said counties a clerk hire allowance not to exceed \$3,000.00 per annum, said sum to be paid from the general funds of said counties.

Section 3. Act No. 1051, H. 1420, Regular Session 1971 (Acts 1971, p. 1900), relating to clerk hire allowance for the

tax assessor and collector of such counties, is hereby expressly repealed and all other laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 5, 1973.

Time: 4:45 P.M.

Act No. 789

H. 1807—Wise, Jackson

AN ACT

Relating to the Geneva County Inferior Court; to provide further for the civil jurisdiction of said court.

Be It Enacted by the Legislature of Alabama:

Section 1. The Geneva County Inferior Court established pursuant to Act No. 538, H. 1009, Regular Session 1939 (Local Acts 1939, p. 329) shall have, in addition to the jurisdiction now authorized by law, jurisdiction concurrently with the circuit court of matters, suits and actions of law in amounts of not more than \$2000.00.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 5, 1973.

Time: 4:45 P.M.

Act No. 790

H. 1817—Hale, Lutz, Hearn, King, Grainger

AN ACT

To authorize and establish in Madison County, Alabama, the office of Warrant Magistrate; to provide for the appointment of a warrant magistrate and assistant warrant magistrates; to provide for the qualifications of persons holding such offices, duties of said offices and the compensation and method of payment for same; to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. Creation of office. There is hereby created in Madison County, Alabama, the office of warrant magistrate.

Section 2. Appointment; tenure of office. The presiding judge of the Madison County Court or any successor court created in lieu thereof shall appoint a warrant magistrate for said county.

Section 3. Qualifications. No person shall be appointed a warrant magistrate unless he be over the age of twenty-five years, of good moral character and have a high school education or its equivalent.

Section 4. Appointment of assistants. The warrant magistrate shall have authority, subject to the approval of the county governing body, to appoint assistant warrant magistrates. Assistant warrant magistrates shall meet the same qualifications as the magistrate. Assistant warrant magistrates may be appointed on a part-time basis.

Section 5. Duties. The duties of the warrant magistrate or any duly authorized assistant warrant magistrate shall be as follows:

a. To take evidence and oaths in support of affidavits in criminal cases and to issue warrants of arrest thereon;

b. To take evidence and affidavits in support of search warrants and to issue warrants in the manner prescribed by law at Title 15, Section 199, et seq, Code of Alabama 1940, as last amended;

c. To set bonds for appearance in any criminal case;

d. The powers and authority of the warrant magistrate or assistant warrant magistrates are supplemental and in addition to the powers and authorities of duly elected or appointed judges of Madison County, Alabama

Section 6. Compensation. The salary of the warrant magistrate or any assistant warrant magistrate shall be fixed by the personnel board of said county, and shall be payable in monthly installments out of the General Fund of the county by warrant properly drawn on said fund.

Section 7. Office Space. Suitable office space and all stationery, equipment, supplies and postage necessary for the conduct of the office so created by this Act shall be furnished by the governing body of the county.

Section 8. Clerks and assistants. With the approval of the county governing body, the warrant magistrate may appoint a sufficient number of clerks, including a chief clerk, and assistants, so that the duties of the office of warrant magistrate can be properly performed. The compensation of those

persons appointed under this section shall be fixed by the county governing body in accordance with the pay plan promulgated by the county governing body and the county personnel board and shall be paid out of the General Fund of the county in the same manner as the salaries of other county employees shall be paid.

Section 9. All persons appointed or employed pursuant to the provisions of this Act, including but not limited to the warrant magistrate and assistant warrant magistrates, shall be subject to the provisions of Act No. 1392, H. 2307, 1971 Regular Session, as last amended, which created a countywide personnel system.

Section 10. All laws or parts of laws which conflict with this Act are repealed.

Section 11. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 5, 1973.

Time: 4:45 P.M.

Act No. 791 H. 1818—Grainger, King, Hale, Lutz, Hearn
AN ACT

To provide an expense allowance for each circuit judge of the Twenty-third Judicial Circuit; to repeal Section 4 of Act No. 232, H. 253, Second Special Session 1971 (Acts 1971, p. 4501).

Be It Enacted by the Legislature of Alabama:

Section 1. Each of the circuit judges of the Twenty-third Judicial Circuit of this state shall receive an annual expense allowance for meals, travel and lodging expenses incurred by that official within the state while attending meetings and conferences intended to promote the skill and competence of the circuit judges, for educational programs designed to inform circuit judges, for professional dues and assessments, and professional journals; provided, however, that the expenditures hereby authorized shall not exceed \$1,500 per circuit judge and shall be paid out of the county general fund. Such expenses shall be in addition to any other salary, compensation, or allowance provided for by law to such circuit judges.

Section 2. Section 4 of Act No. 232, H. 253, Second Special Session 1971 (Acts 1971, p. 4501), which relates to expenditures by the Board of County Commissioners of counties having

populations of not less than 175,000 nor more than 300,000 according to the most recent federal decennial census, to assist the circuit judges of such counties, is hereby repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 5, 1973.

Time: 4:45 P.M.

Act No. 792 H. 1824—McBride, Bowers, Meeks, Erdreich,
Boutwell, Weeks, Dill, Wallace,
McMillan

AN ACT

To amend Sections 5.01, 5.02, and 5.10 of Act No. 452 of the 1955 Regular Session of the Legislature of Alabama (Acts of Alabama 1955, page 1004, et seq.), entitled, as amended: "To provide a form of municipal government to be known as the Mayor-Council form of government, which may be adopted by any city in the State of Alabama having a population of more than 300,000 according to the last or any succeeding Federal or municipal census; to provide the method by which any such city may adopt the Mayor-Council form of government; to provide for the calling and holding of elections to vote thereon; to define and provide the legal status, form of government and powers of any such city under the Mayor-Council form of government; to provide as the governing body of such city a city council; to provide for the number of members of the council, their election and terms of office; to provide the functions, duties, powers and authority of the city council; to provide for the election, appointment or designation of officers and employees of the city and for their qualifications, duties, functions, powers and authority; to provide for the election, term, qualifications and compensation of a Mayor and for the filling of vacancies in the office of Mayor and to provide the duties and authority of the Mayor; to provide for the control of the finances of such city; to provide for an annual budget, its preparation, submission, and adoption and the effect thereof; to create and define the powers, functions, duties and authority of the department of finance and the director of the department of finance; to regulate purchases and contracts of such city; to provide for the terms and effects of succession in government of any city adopting the Mayor-Council form of government; to make various other provisions for any such city which adopts the Mayor-Council form of government and for the government thereof; and to provide for the means of abandoning the Mayor-Council form of government and the adoption by the city of other forms of municipal government in lieu thereof."

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 5.01 of Act No. 452 of the 1955 Regular Session of the Legislature of Alabama (Acts of Alabama 1955, page 1004, et seq.), be and said Section 5.01 is hereby amended to read as follows:

"5.01. Fiscal Year. — The fiscal year of the city government shall begin on the first day of July and shall end on the last day of June of each calendar year. Such fiscal year shall also constitute the budget and accounting year. As used in this Act, the term 'budget year' shall mean the fiscal year for which any particular budget is adopted and in which it is administered."

Section 2. That Section 5.02 of Act No. 452 of the 1955 Regular Session of the Legislature of Alabama (Acts of Alabama 1955, page 1004, et seq.), be and said Section 5.02 is hereby amended to read as follows:

"5.02. Submission of Budgets. — On a day to be fixed by the council but in no case later than the 20th day of May in each year, the mayor shall submit to the council:

(a) A separate current revenue and expense budget for the general operation of the city government, to be known as the 'general fund budget';

(b) a budget for each public utility owned and operated by such city;

(c) a capital budget; and

(d) a budget message.

When submitting the budgets to the council, the mayor shall submit his recommendation of new sources of revenue or manner of increasing existing sources of revenue, sufficient to balance the budgets, if such additional revenue is necessary to accomplish that purpose."

Section 3. That Section 5.10 of Act No. 452 of the 1955 Regular Session of the Legislature of Alabama (Acts of Alabama 1955, page 1004, et seq.), be and said Section 5.10 is hereby amended to read as follows:

"5.10. Adoption of General Fund Budget. — Not later than the 20th day of June of the current fiscal year, the council by a majority vote shall adopt the general fund budget, and such ordinances providing for additional revenue as may be necessary to put the budget in balance. If for any reason the council fails to adopt the general fund budget on or before such day, the general fund budget of the current fiscal year shall be the general fund budget for the ensuing year, until such time as a newly revised budget shall be adopted by the

council, and, until such time, shall have full force and effect to the same extent as if the same had been adopted by the council, notwithstanding anything to the contrary in this Act."

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 5, 1973.

Time: 4:50 P.M.

Act No. 793

H. 1828—McNair, McMillan, Doss, Waggoner, Erdreich, Wallace, Faulkenburg, Boutwell, Hughes, Boles, Bowers, McBride, Weeks, Dill, Meeks

AN ACT

To prohibit, in any county having a population of 600,000 or more according to the most recent federal decennial census, the occupancy of any building or structure any part of which is situated upon real property which abuts or joins that part of a street, alley, public way or right of way within which is situated pipes or mains of an approved public water supply system and which is not directly connected to water mains or pipes of an approved public water supply system; and to prohibit, in such counties, the sale or distribution of insanitary, impure or unwholesome water.

Be It Enacted by the Legislature of Alabama:

Section 1. For the purposes of this Act the phrase "approved public water supply system" shall mean the water works system of any county or municipality, person, firm, association, corporation, Water Works Board, or authority holding a franchise or possessing a right to lay or maintain water mains or pipes in streets, avenues, alleys, highways or other public places in any county having a population of 600,000 or more according to the most recent federal decennial census, and having a permit, from the Alabama State Board of Health and the county Board of Health for the county having jurisdiction, to distribute water through said mains or pipes.

Section 2. It shall be unlawful for any person, firm, association or corporation in such counties to occupy or reside in any building or structure any part of which is situated upon real property which abuts or joins that part of a street, alley, public way or right of way within which is situated pipes or mains of an approved public water supply system and which is not directly connected to and supplied with water through mains or pipes of an approved public water supply system, un-

less said person, firm, association or corporation owns and utilizes a private water well which provides sanitary, pure and wholesome water which meets the standards of the Alabama State Board of Health or the County Board of Health.

Section 3. It shall be unlawful for any person, firm, association or corporation in such counties to let or rent for occupancy any building or structure, or any part of such building or structure, any part of which is situated upon real property which abuts or joins that part of a street, alley, public way or right of way within which is situated pipes or mains of an approved public water supply system unless such building or structure is directly connected to and supplied with water through mains or pipes of an approved public water supply system.

Section 4. It shall be unlawful for any person, firm, association or corporation to sell, offer for sale, provide, deliver or distribute for human consumption in such counties, water which is insanitary, impure, unwholesome, or is not delivered through water distribution mains or pipes that are in conformity with the laws, rules, regulations and standards of the State of Alabama governing public water supply distribution systems, or the standards of purity of which do not meet the regulations of the Alabama State Board of Health and the U.S. Public Health Service governing certification of water supplies in use on carriers engaged in interstate commerce.

Section 5. Any person, firm, association or corporation in such counties who shall do any act made unlawful by this Act shall become liable for and forfeit to the State of Alabama the penal sum of not more than one thousand dollars for each separate offense. Each day for which a violation of this Act shall continue shall constitute a separate offense. All such penalties are to be recovered by the State of Alabama in civil action brought by the State of Alabama and such penalties when collected shall be paid into the general fund of the state treasury.

Section 6. The provisions of Sections 2 and 3 of this Act shall not apply to any person, firm, association, or corporation in such counties that, as to particular property, has been granted upon written application an exemption by the County Health officer, after appropriate investigation by such officer and a written determination by him that such exemption is consistent with due standards of public health.

Section 7. All laws or parts of laws which conflict with this Act are repealed.

Section 8. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved September 5, 1973

Time: 4:50 P.M.

Act No. 794

H. 1836—Wise, Jackson

AN ACT

To fix the salary for the County Solicitor (Deputy District Attorney) of Geneva County.

Be It Enacted by the Legislature of Alabama:

Section 1. The salary of the County Solicitor (Deputy District Attorney) of Geneva County is fixed at not more than \$3600.00 per annum, to be determined by resolution of Geneva County Commission or other governing body of said county. The salary shall be paid in equal monthly installments out of the general funds of Geneva County by the Geneva County Commission or other governing body of said county.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 5, 1973.

Time: 4:50 P.M.

Act No. 795

H. 1843—Carnes, Wynot, Waldrop

AN ACT

Relating to any county having a population of not less than 90,000 nor more than 100,000 according to the last or any subsequent federal decennial census, providing for cost of living raises for county employees and an allowance for county officers.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than 90,000 nor more than 100,000 according to the last or any subsequent federal decennial census county employees shall periodically have their salary adjusted according to the con-

sumer price index compiled by the U. S. Department of Labor, Bureau of Labor Statistics.

Section 2. On the first day of January, April, July and October the county governing body of said counties shall determine the percent change in the consumer price index for the previous 3 months, adjusted to the nearest 1/10 of 1 percent, and make provisions for providing county employees with a cost of living raise.

Section 3. The said employees shall receive a cost of living raise in an amount equal to the percentage rise in the consumer price index multiplied by the salary of the highest paid hourly wage employee. Said raises shall be effective for the first pay period beginning after the first day of January, April and October.

Section 4. In the event that the consumer price index should decrease or remain the same, the employees' salaries shall remain the same as at the end of the previous 3 month period.

Section 5. In all counties having a population of not less than 90,000 nor more than 100,000, according to the most recent federal decennial census, all elected or appointed county officials shall receive an expense allowance in accordance with the provisions of Sections 6, 7 and 8 of this act to cover the expenses associated with their offices. "Elected or appointed county officers" is to be interpreted so as to include persons who might otherwise be considered state officers and whose salaries are paid fully or partially by the state, but who are elected by or appointed by persons elected by the electors of such counties and whose salaries are set by local act or by general act of local application. "Elected or appointed county officers" shall not be interpreted to include the county superintendent of education, members of the county board of education, or any employee of the county board of education, nor shall same be deemed to include any attorney, engineer, architect or other professional consultant employed on a part time basis by any county board or body, or the members of any appointed board. There shall be a conclusive presumption of law that there is a reasonable relationship between the allowances received in accordance with the provisions hereof and the expenses associated with the offices of the persons receiving such allowances.

Section 6. The initial expense allowance for such officers shall be payable monthly beginning October 1, 1973, and shall be an amount equal to the percentage rise in the consumer price index, adjusted to the nearest 1/10 of 1 percent, for the period March 1, 1971, to September 31, 1973, multiplied by the amount

of the officer's monthly salary (including all compensation paid for performing official duties, whether paid wholly from state funds, wholly from local funds, or paid partially from state funds and partially from local funds).

Section 7. On the first day of January, April, July and October of each year the expense allowance provided for herein shall be increased by an amount equal to the percentage increase in the consumer price index, adjusted to the nearest $1/10$ percent of 1 percent, for the previous 3 months multiplied by the amount of the officer's salary (including all compensation paid for performing official duties, whether paid wholly from state funds, wholly from local funds, or paid partially from state funds and partially from local funds) and previous expense allowance combined. Should the consumer price index decline for the 3 month period no change shall be made in the expense allowance.

Section 8. All of the above provisions to the contrary notwithstanding, all allowances for circuit judges shall be calculated by multiplying the percentage rise in the consumer price index, adjusted to the nearest $1/10$ of 1 percent, by the amount of the local salary supplement paid to them and not the total compensation and expenses received by them from all sources; and, provided further, that allowances to be paid to the district attorney, county judge and probate judge shall be in the same amount as the allowances paid to circuit judges and not in an amount calculated upon any other basis; and, provided further, that allowances to be paid to court reporters pursuant to this act shall be calculated by multiplying the percentage rise in the consumer price index, adjusted to the nearest $1/10$ of 1 percent, by the amount of compensation received from local funds and not the total compensation and expenses received by them from all sources; provided further, that in the event that a general act increasing the state salary of circuit judges should pass during the 1973 Regular Session, then circuit judges shall receive no allowance of any kind pursuant to the provisions of this act, nor shall the county judge, district attorney or probate judge.

Section 9. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. All laws or parts of laws which conflict with this act are repealed.

Section 11. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 5, 1973.

Time: 4:50 P.M.

Act No. 796

H. 1868—McMillan

AN ACT

To empower industrial development boards organized (under the provisions of Act No. 648 enacted at the 1949 Regular Session of the Legislature of Alabama, as amended) in any municipality located (in whole or in part) in any county having a population of 600,000 or more, according to the last or any subsequent Federal decennial census, to acquire (by construction or otherwise), enlarge, improve, replace, own, lease, dispose of and grant options for the purchase of facilities and properties (whether real or personal or both) designed or suitable for use both as data processing and computer centers and as national or regional headquarters for the business or businesses owning or operating such data processing centers.

Be It Enacted by the Legislature of Alabama:

Section 1. The Legislature hereby finds and declares that on account of the more diverse nature of businesses and industries desiring to locate facilities in the larger, more urban counties of the State, it is necessary and desirable that industrial development boards now or hereafter organized (under the provisions of Act No. 648 enacted at the 1949 Regular Session of the Legislature of Alabama, as amended) in municipalities in such larger, more urban counties have powers somewhat broader than those now provided for in the said Act No. 648, as amended.

Section 2. Any industrial development board now or hereafter organized, under the provisions of Act No. 648 enacted at the 1949 Regular Session of the Legislature of Alabama, as amended, in any municipality located (in whole or in part) in any county having a population of 600,000 or more, according to the last or any subsequent federal decennial census, shall, in addition to the power to acquire, enlarge, improve, replace, own, lease, dispose of and grant options for the purchase of "projects" as defined in said Act No. 648, as amended as aforesaid, and in addition to all other powers now or hereafter vested therein, have the power to acquire (by construction or otherwise), enlarge, improve, replace, own, lease, dispose of and grant options for the purchase of any facilities and properties (whether real or personal or both) designed or suitable for use both as a data processing and computer center and as a national or regional headquarters for the business or businesses owning or operating such data processing and computer center, irrespective of whether or not such combined facilities relate or are appur-

tenant to any industry for the manufacturing, processing or assembling of any agricultural, manufactured or mineral products, any commercial enterprise in storing, warehousing or distributing of any products of agriculture, mining or industry or any enterprise for the purpose of research in connection with any of the foregoing, the development of new products or new processes, the improvement of existing products or known processes or the development of facilities for the exploration of outer space or the promotion of national defense)—all to the end that such industrial development boards may be able to induce businesses (a) to relocate in this state data processing and computer centers now wholly or substantially located outside the State of Alabama, and (b) to locate entirely new or additional such centers in the State of Alabama.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 5, 1973.

Time: 4:50 P.M.

Act No. 797

H. 1880—Carnes, Wynot, Waldrop

AN ACT

To authorize the Etowah County Commission to provide for the relief of Mrs. Carolyn D. Thomas, widow of Deward W. Thomas, an employee of the county until his accidental death on February 16, 1972.

Be It Enacted by the Legislature of Alabama:

Section 1. The Etowah County Commission is hereby authorized and empowered to appropriate the sum of \$4,000.00 from the general fund of the county to Mrs. Carolyn D. Thomas, widow of Deward W. Thomas, an employee of the county until his accidental death on February 16, 1972. This payment is in lieu of proceeds from non-contributory group life insurance which the county provides for all its employees but had inadvertently omitted including this employee under the group life insurance policy. Under these circumstances the county is morally obligated to pay, but the claimant has no recourse at law to recover the same.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 5, 1973.

Time: 4:50 P.M.

Act No. 798 H. 1886—Hughes, Boles, Doss, Weeks, Ellis,
 Bowers, Meeks, Waggoner,
 McMillan, Gafford, McNair,
 Erdreich, Dill, McBride

AN ACT

To provide for the appointment by the Deputy District Attorney for the Bessemer Division of Jefferson County of an Assistant Deputy District Attorney to prosecute cases in the County Court for the Bessemer Division of Jefferson County and to provide the compensation of said Assistant Deputy District Attorney and to provide for the payment of the same and to provide the date when said Act shall go into effect.

Be It Enacted by the Legislature of Alabama:

SECTION 1. The Deputy District Attorney of the Bessemer Division of Jefferson County, Tenth Judicial Circuit of Alabama, is hereby empowered to appoint an Assistant Deputy District Attorney to prosecute all Misdemeanor and Preliminary hearings of felony cases in the County Court for the Bessemer Division of Jefferson County, by whatever name said County Court shall now or hereinafter be designated, who shall serve at the pleasure of said Deputy District Attorney. When said Assistant Deputy District Attorney is not engaged in the trial of cases in that Court, he shall perform such other duties in the office of the Deputy District Attorney, before the Grand Jury or in the Circuit Court of the Tenth Judicial Circuit, Bessemer Division, as the Deputy District Attorney may direct. The compensation of said Assistant Deputy District Attorney shall be Fourteen Thousand Dollars (\$14,000.00) per annum, payable in equal monthly installments out of the general funds of the County, as other salaries are paid.

SECTION 2. The provision of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

SECTION 3. All laws or parts of laws which conflict with this Act are repealed.

SECTION 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 5, 1973.

Time: 4:50 P.M.

Act No. 799 H. 1888—Grainger, Lutz, King, Hearn
 AN ACT

To require that all district attorney's fees taxed and collected in all reciprocal support cases in the Twenty-third Judicial Circuit shall be paid into the District Attorney's Fund of the county composing such circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. All district attorney's fees hereafter taxed as costs and collected in all cases under the Reciprocal Support Act (1951 Acts, p. 1515) in the Twenty-Third Judicial Circuit shall be paid into the District Attorney's Fund of the county composing such circuit and shall be kept, used and expended in the same manner as any other monies paid into such fund are expended.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 5, 1973.

Time: 4:50 P.M.

Act No. 800

H. 1916—McDonald, St. John, Drake

AN ACT

To establish a Salary Commission for the employees of the office of the Clerk of the Circuit Court of Marshall County and of the office of the Register of the Circuit Court of Marshall County, to provide for the membership of such Salary Commission, to define its powers and duties, and to define the duties of the Clerk of the Circuit Court of Marshall County and of the Register of the Circuit Court of Marshall County with reference to such Commission, and the duties of the Marshall County Commission with reference to such Salary Commission.

Be It Enacted by the Legislature of Alabama:

Section 1. A Salary Commission for the employees of the office of the Clerk of the Circuit Court of Marshall County, hereinafter referred to as Clerk, and of the office of the Register of the Circuit Court of Marshall County, hereinafter referred to as Register, is hereby created. That said Commission shall consist of five members, who shall serve without compensation, and who shall be the two senior Circuit Judges of the Circuit Court of Marshall County, the senior Judge of the highest court in Marshall County other than the Circuit Court or the Probate Court of Marshall County, the Chairman of the Marshall County Commission and one other member of the Marshall County Commission, to be selected by such

Marshall County Commission by majority vote. That said Commission shall have a chairman, who shall be selected by majority vote of the Commission. Three members of such Commission shall constitute a majority when properly convened, and said Commission by reason of such majority may exercise all the powers and duties herein provided. Said Commission shall meet on the Friday after Labor Day of each year at 3:00 P.M., and at such other times as may be necessary. The Chairman of said Commission or any three members of said Commission may call an official meeting at a specific time and at a designated place at either of the courthouses in Marshall County, and shall give notice to the other members of the time, place and purpose of any such meeting and may exercise any of its powers or duties as herein conferred at any such annual or special meeting. That in the event any official designated to be a member of said Commission is ineligible or fails or refuses to serve for any reason, then, such official shall appoint a qualified elector of Marshall County of good character to serve on the Commission in his stead, and shall notify the Marshall County Commission, in writing, of his reason for not serving and the name and address of the person who shall serve on the Commission in his stead. The Chairman of the Commission shall appoint a secretary of said Commission, who may or may not be a member thereof and who shall keep minutes and appropriate records of all meetings and of all official acts of the Commission.

Section 2. That said Commission shall have the power and duty to determine the number of employees of the office of the Register and the number of employees of the office of the Clerk, the total compensation of the employees of the office of the Clerk, and the total compensation of the employees of the office of the Register. That on or before the annual meeting of said Commission the Clerk and the Register shall submit to said Commission a report designating the number of employees needed to carry out the work and duties of their respective offices and the proposed compensation for each such employee, and upon a special meeting of such Commission the Clerk and the Register shall furnish such information or make such reports as the needs of their respective offices shall then require. By majority vote, said Commission shall determine the number of employees needed by the Clerk and by the Register and the total compensation to be paid to the employees of the Clerk and to the employees of the Register. Said Commission shall, then, prepare a report to be signed by the Chairman or by three members of such Commission, specifying the number of employees for each of said offices and the total compensation of each of said offices for the employees of such offices, and such report shall then be delivered to the Mar-

shall County Commission, and the Clerk and the Register shall deliver a report to the Marshall County Commission designating the names of the employees that they desire to employ or who are then employed, and the salary for each such person, and that such salaries shall not exceed the total compensation allowed by the Commission for such offices.

Section 3. The Clerk and the Register shall retain the full authority and right to designate who the employees in their respective offices shall be and any such employee shall serve at the will or the pleasure of said Clerk or Register, and any vacancy shall be filled by the said Clerk or Register. That the Clerk or the Register shall notify the Marshall County Commission when any vacancy occurs, and when such vacancy has been filled, and the names of the employees and the salaries involved. The Clerk or the Register may, at their will, change any employee or their salary in their respective offices, but the total compensation may not exceed that as fixed by the Commission for such office. Nothing herein shall be construed as giving said Commission the power or authority to manage either the Clerk's office or the Register's office or to select the employees or to determine the specific duties of employment of any employee. The total of compensation and the number of employees of either the Clerk's office or the Register's office may be changed by such Commission from time to time as the needs of said offices may require. The total compensation of each office shall be determined on an annual basis, with the fiscal year being from October 1 through September 30, and if any change is made therein after the annual meeting such change shall be effective for the balance of the fiscal year in which such change is made. The Salary Commission's first meeting shall be on the Friday after Labor Day of 1973, and it shall fix and determine employees and salary of the office of the Clerk and the office of the Register, respectively, as herein provided, for the fiscal year commencing October 1, 1973, and for subsequent years.

Section 4. The Marshall County Commission shall pay the said employees of the Clerk and Register as provided herein, in the same form and manner as other employees of the county are paid.

Section 5. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 5, 1973.

Time: 4:50 P.M.

Act No. 801

H. 1730—Carnes, Wynot, Waldrop

AN ACT

Relating to Counties having a population of not less than 90,000 nor more than 100,000 according to the most recent or any subsequent Federal Decennial Census; to provide for the Clerk of Circuit Court in such Counties to collect Commission on Judgments, except on Garnishments, where the Judgments are collected by said Clerk after Ninety (90) days from the date of rendition.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in Counties having a population of not less than 90,000 nor more than 100,000 according to the most recent or any subsequent Federal Decennial Census.

Section 2. The Clerks of the Circuit Courts in such Counties shall be entitled to collect Commissions on Judgments where said Judgments are paid to the Clerk after Ninety (90) days from the date of rendition, except in Garnishment proceedings. The percentage shall be one-half of the percentage allowed Sheriffs for the same services for collecting Judgments on Executions.

Section 3. This Act shall take effect immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 5, 1973.

Time: 4:50 P.M.

Act No. 802

S. 76—King

AN ACT

To amend Code of Alabama 1940, Title 51, Sections 879 and 882, so as to withdraw and take away from the director of revenue of Jefferson County all duties, liabilities and responsibilities relative to the issuance, recording and reporting of marriage licenses, and to place such duties, liabilities and responsibilities on the probate judge of such county; and to provide for the transfer of marriage license records from the director of revenue of Jefferson County to the probate judge of such county.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1940, Title 51, Sections 879 and 882 are hereby amended to read as follows:

“Section 879. All duties required by law of probate judges in this state with reference to the issuance of and collection

of state, county, and other licenses, except marriage licenses, shall be performed by the director of revenue, and the director of revenue shall be entitled to collect all fees, commissions, charges and allowances fixed by law for probate judges respecting the issuance and collection of licenses, except marriage licenses, and shall be liable to all the pains and penalties with reference to the collection of such licenses imposed on the probate judge in this state, and the probate judge of Jefferson County is relieved from any and all duties, liabilities and responsibilities now imposed by law for the collection of licenses, except marriage licenses, in the county. After the effective date of this amendment all marriage licenses issued in Jefferson County shall be issued by the probate judge of such county, and all the duties, liabilities and responsibilities relative to the issuance, recording and reporting of marriage licenses and maintenance of records of marriages in Jefferson County shall be performed by the judge of probate; and he shall collect all fees, commissions, charges and allowances fixed by law for probate judges respecting such licenses and the records relating thereto. The probate judge shall pay all such collections into the county treasury.

"Section 882. So long as marriage licenses are issued by the director of revenue, whenever marriage license records are completed and no blank pages remain therein, such records shall be filed by the director of revenue with the probate judge. When the withdrawal from the director of revenue of the powers and duties relative to the issuance, reporting and recording of marriage licenses becomes effective pursuant to Section 879 of this title, as amended by this Act, then, all marriage license records, whether or not completed or blank pages remain therein, shall immediately be filed by the director of revenue with the probate judge of the county."

Section 2. This Act shall become effective on the first day of the first month beginning at least thirty days after its passage and approval by the Governor, or its otherwise becoming law.

Approved September 5, 1973.

Time: 4:50 P.M.

Act No. 803

S. 400—Harris

AN ACT

Relating to Morgan County; to declare the public policy with respect to Sunday business activities; to allow the county and municipal

governing bodies to adopt rules and regulations and prescribe penalties for Sunday business activities.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall be applicable within Morgan County, Alabama.

Section 2. Declaration of Policy. It is recognized that the maintenance of public health is of vital importance to the general welfare of the State of Alabama and of its people, and it is further recognized that the preservation of an opportunity for rest and relaxation is vital to the maintenance of public health. For the protection of the public health and general welfare, it has been deemed essential that one day be set aside each week as a day of rest and relaxation and this can best be accomplished and the enforcement thereof can best be policed by setting aside Sunday as a day to be observed, generally, for rest and relaxation; it is further recognized, however, that, for public convenience and necessity, certain activities are promotive of rest and relaxation, and are otherwise desirable for the general convenience of the citizens of this County.

Section 3. In furtherance of the health and welfare of the citizens of Morgan County, hereinafter the provisions of Sections 420, 421 and 422, Title 14, Code of Alabama 1940, shall not be applicable to said county. In lieu thereof, the governing body of the county or any incorporated municipality in this county may by resolution or ordinance adopt reasonable rules and regulations prohibiting certain activity within its jurisdiction on Sunday, and may provide penalties for the violation thereof, provided further that any such resolution adopted by any county governing body shall not apply within the police jurisdiction of any incorporated municipality within such county.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective ninety (90) days following its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 5, 1973.

Time: 4:50 P.M.

Act No. 804

S.J.R. 32—Shelby, Gilmore

SENATE JOINT RESOLUTION

NAMING CERTAIN ROADS AND HIGHWAYS IN TUS-

CALOOSA AND JEFFERSON COUNTIES "THE TANNEHILL TRAIL"

WHEREAS this Legislature did in 1969 create the Tannehill Furnace and Foundary Commission to establish, operate and maintain as a state park or historic site the land and buildings in the county of Tuscaloosa where one of the state's earliest iron works, known as the Tannehill Furnace and Foundary was located; and

WHEREAS said commission has mostly nobly carried forward its assigned task and has established the Tannehill Park; and

WHEREAS the Tannehill Furnace and Foundary Commission has requested this Legislature to designate certain roads and highways in Tuscaloosa and Jefferson Counties which closely parallel the old Tannehill Trail leading to said Tannehill Furnace and to the present Tannehill Park as the official "Tannehill Trail"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the following highways and roads are hereby designated as "The Tannehill Trail" and the State Highway Department shall cause appropriate signs and markers to be erected along said highways and roads so designating it, viz: From Tuscaloosa, commence at the Old Tavern in downtown Tuscaloosa, then via Old Highway 11 through Cottondale, Coaling, Vance and up to the Y Restaurant, thence through Woodstock via the Post Office through Green Pond and into Tannehill Park. From Tannehill Park over the Eastern Valley Highway to Kimbrell Road, thence via Kimbrell Road to Bucksville, thence to McCalla, thence down Old Highway 11 to the corner of 4th and 19th in Bessemer, thence down 4th Avenue via the Hall of History, thence to Five Points West thence to the Arlington Home.

Approved September 5, 1973.

Time: 4:50 P.M.

Act No. 805

S.J.R. 91—Shelby, Fine

SENATE JOINT RESOLUTION

HONORING JOHN SIDNEY COOK, III.

WHEREAS, John Sydney Cook, III has served the Tuscaloosa Delegation well as its aide during the 1973 Regular Session

of the Legislature, diligently striving to further the interests of Tuscaloosa County and the State of Alabama; and

WHEREAS, Mr. Cook has conducted himself in an exemplary manner while on the job, although we do not wish to comment on his activities elsewhere; and

WHEREAS, Mr. Cook has become a recognized figure in the various offices of the Capitol, particularly in the Legislative Reference Service, where the employees have bestowed the name "Trouble" upon him; and

WHEREAS, this body has become aware that Mr. Cook will reach the advanced age of twenty-three on August 17 and will thereafter retire; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend John Sydney Cook, III for a job well done and wish him a Happy Birthday.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Mr. Cook.

Approved September 5, 1973.

Time: 4:50 P.M.

Act No. 806

S.J.R. 92—Shelby

SENATE JOINT RESOLUTION

COMMENDING PAUL DAVIS FOR HIS OUTSTANDING WORK IN THE FIELD OF JOURNALISM

WHEREAS, Paul Davis of Tuscaloosa has done outstanding work as a newspaper reporter and has been recognized as one of the top journalists in Alabama; and

WHEREAS, this native Alabamian has served on the staff of the Tuscaloosa News for fourteen years and presently holds the position of Associate Editor; and

WHEREAS, Paul Davis has recieved top honors in 1973 from Sigma Delta Chi Professional Journalism Fraternity and the Alabama Press Association, as well as in Associated Press Competition; and

WHEREAS, this dedicated journalist has provided enlightened coverage on the mental health situation in the State of Alabama and received the Lurleen Wallace Humanitarian

Award and been nominated for the Pulitzer Prize for his work in this critical area; and

WHEREAS, Paul Davis has been instrumental as a member of mass media in focusing public attention on a previously neglected area of concern to state government; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body commends Paul Davis for his accomplishments as a newspaperman, and wishes him continued success in the future.

BE IT FURTHER RESOLVED That a copy of this resolution be sent to Paul and Jane Davis.

Approved September 5, 1973.

Time: 4:50 P.M.

Act No. 807

S.J.R. 100—Malone

SENATE JOINT RESOLUTION

COMMENDING MISS GLADYS MARONA FOR A JOB WELL DONE.

WHEREAS, Miss Gladys Marona, who was responsible for the beginning of the school lunch program in Etowah County, recently retired from the Etowah County school system. She had been a member of the staff of the county school system continuously since 1926; and

WHEREAS, Miss Marona is most noted as a truant officer with a sincere feeling toward all children in Etowah County. She has done more for more children in Etowah County than any person in its history; and many times she has given clothes, shoes and other necessities to children in order that they may attend school; and

WHEREAS, she is a gracious and charming lady with a deep love for education. She has demonstrated a sensitivity toward her neighbors which is far above the average person's; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we express our deep appreciation to a wonderful lady, Miss Gladys Marona, for the great job which she did for education and the children of Etowah County and that we wish her many happy hours of leisure during her retirement years.

BE IT FURTHER RESOLVED That a copy of this resolution be sent to Miss Gladys Marona.

Approved September 5, 1973.

Time: 4:50 P.M.

Act No. 808

H. 2—Stubbs

AN ACT

To amend Section 366 of the Title 52 of the Code of Alabama as amended which relates to the Teachers' Retirement System of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 366 of Title 52 of the Code of Alabama as amended be and is hereby amended to read as follows:

S.366. BENEFITS. (1) (a) Any member who withdraws from service upon or after attainment of age sixty may retire upon written application to the Board of Control setting forth at what time, not less than thirty days nor more than ninety days subsequent to the execution and filing thereof desires to be retired, provided that any such member who became a member on or after October 1, 1963 shall have completed ten or more years of creditable service.

(b) An member who has attained age sixty and has previously withdrawn from service may retire upon written application to the Board of Control setting forth at what time, not less than thirty days nor more than ninety days subsequent to the execution and filing thereof, he desires to be retired, provided that the said member shall have completed at the time for his withdrawal from service, the requirements established by the Board of Control for eligibility for deferred benefits pursuant to Section 364 of this title.

(c) Any teacher in service who has attained age seventy shall be retired, or shall withdraw from service, forthwith, provided that with the approval of his employer, he may remain in service until the end of the then current school year which shall be no later than June 30 following the date on which he attains age seventy.

(d) Any person who is presently covered or is eligible to be covered under the Employees' Retirement System of Alabama or the Teachers' Retirement System of Alabama and who, prior to such coverage or eligibility for coverage, served as head of

any Alabama county's public library service department, shall have credited to him or her one year of creditable service for each year served as such head not to exceed twelve years; provided such person shall pay into the Retirement System the employee's part of the cost or contribution based on the salary paid to such person during the time of his or her service in the above capacity, with such cost or contribution to be calculated at the percent or rate in effect at the time of the passage of this Act.

(2) Upon retirement from service a member shall receive a service retirement allowance which shall consist of:

(a) An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement; and

(b) a pension which shall be equal to the annuity allowable at age of retirement, but not to exceed an annuity allowable at age sixty-five computed on the basis of contributions made prior to the attainment of age sixty-five; and

(c) if he has a prior service certificate in full force and effect an additional pension which shall be equal to the annuity which would have been provided at age of retirement, but not to exceed an annuity allowable at age sixty-five by twice the contributions which he would have made during the period of prior service with which he is credited, had the system been in operation and had he contributed thereunder. In lieu of a determination of the actual compensation of the members that was received during such prior service, the Board of Control may use for the purposes of this chapter the compensation rates which, if they had progressed with the rates of salary increase shown in the tables as prescribed in Section 367, subsection (13), of this title, would have resulted in the same average salary of the member for the five years immediately preceding the date of establishment as the records show the member actually received; and

(d) the annual service retirement pension payable to a member retiring on or after October 1, 1971 shall not be less than an amount which when added to his annuity is equal to the greater of the following two amounts: (i) one and three-fourths per centum of the member's average final compensation multiplied by the number of years of his creditable service, provided that no member shall receive in excess of (80) eighty per centum of average final compensation except as otherwise provided by the Legislature. Or (ii) if he became a member before October 1, 1971, \$72.00 multiplied by the number of years of his creditable service not in excess of twenty-five years. Notwithstanding those members who retired prior to October

1, 1971 under Service retirement shall receive \$120.00 multiplied by the number of years of his creditable service not in excess of twenty-five years.

(2 $\frac{1}{4}$) Upon the application of a member in service or of his employer, any member who has had ten or more years of creditable service may be retired by the Board of Control on a disability retirement allowance not less than thirty nor more than ninety days next following the date of filing such an application; provided that the Medical Board, after a medical examination of such member, shall certify that such member is mentally or physically incapacitated for further performance of duty, that such incapacity is likely to be permanent, and that such member should be retired.

(2 $\frac{1}{2}$) Upon retirement for disability a member shall receive a service retirement allowance if he has attained age 60, otherwise he shall receive a disability retirement allowance which shall consist of:

(a) an annuity which shall be the actuarial equivalent of his accumulated contributions at the time of retirement and

(b) a pension which shall be equal to the pension that would have been payable under paragraphs (b) and (c) of Subsection (2) of this Section upon service retirement at age 60 had the member continued in service to said age without change in compensation, reduced by one fourth of one per centum for each month by which his date of retirement precedes his sixtieth birthday to a maximum reduction of twenty-five per centum. The annual disability retirement pension shall not be less than an amount which when added to his annuity is equal to the greater of the following two amounts: (i) one and three-fourths per centum of the member's average final compensation multiplied by the number of years of creditable service reduced by one fourth of one per centum for each month by which his date of retirement precedes his sixtieth birthday to a maximum reduction of twenty-five per centum or (ii) if he became a member before October 1, 1971, \$54.00 multiplied by the number of years of his creditable service not in excess of twenty-five years. Notwithstanding those members who retired prior to October 1, 1971 for disability shall receive \$90.00 multiplied by the number of years of his creditable service not in excess of twenty-five years.

(2 $\frac{3}{4}$) (a) Once each year during the first five years following the retirement of a member on a disability retirement allowance, and once in every three year period thereafter the Board of Control may, and upon his application shall require any disability beneficiary who has not yet attained age sixty to undergo a medical examination, such examina-

tion to be made at the place of residence of such beneficiary or other place mutually agreed upon, by a physician of or designated by the Medical Board. Should any disability beneficiary who has not yet attained age sixty refuse to submit to such medical examination, his pension may be discontinued until his withdrawal of such refusal and should his refusal continue for one year, all his rights in and to his pension may be revoked by the Board of Control.

(b) Should the Medical Board report and certify to the Board of Control that a disability beneficiary is engaged in or is able to engage in a gainful occupation paying more than the difference between his retirement allowance and his average final compensation, and should the Board of Control concur in such report, then the amount of his pension shall be reduced to an amount which, together with his annuity and the amount earnable by him shall equal the amount of his average final compensation. Should his earning capacity be later changed, the amount of his pension may be further modified; provided that the new pension shall not exceed the amount of the pension originally granted, nor an amount which, when added to the amount earnable by the beneficiary together with his annuity, equals the amount of his average final compensation.

(3) (a) Should a member cease to be a teacher except by death or by retirement under the provisions of this chapter, the contributions standing to the credit of his individual account in the annuity savings fund shall be paid to him upon demand, and in addition to such payment there shall be paid five-tenths of the interest accumulations standing to the credit of his individual account if he shall have not less than three but less than sixteen years of membership service, six-tenths of such interest accumulations if he shall have not less than sixteen, but less than twenty-one years of membership service, seven-tenths of such interest accumulations if he shall have not less than twenty-one but less than twenty-six years of membership service and eight-tenths of such interest accumulations if he shall have not less than twenty-six years of membership service.

(b) In case of the death of a member eligible for service retirement pursuant to Subsection (1) of this section, an allowance shall be paid to the surviving spouse in an amount that would have been payable if the member had retired immediately prior to his death and had elected Option 3, as set forth in Subsection (4) of this section; or

(c) In case of the death of a member not eligible for service retirement, after completion of twenty-five years of

creditable service, an allowance shall be paid to the surviving spouse in an amount that would have been payable if the member had retired for disability immediately prior to his death and had elected Option 3, as set forth in Subsection (4) of this section, or if the surviving spouse desires he may choose to receive the accumulated contributions of the member in lieu of the allowance provided under Option 3, plus an amount equal to the accumulated contributions of the member not to exceed \$5,000.00; or

(d) Upon the death of a member on account of whom no survivor allowance is payable under (b) or (c) above the accumulated contributions of the member plus an amount equal to the accumulated contributions not to exceed \$5,000.00 shall be paid to his estate, or to such person as he shall have nominated by written designation duly executed and filed with the Board of Control

(4) With the provision that no election of an option shall be effective until the end of the month following the effective date of retirement, and that should a beneficiary die before his first benefit payment is due at the end of the month following the effective date of retirement, he shall be considered as an active member at the time of death, any member may elect prior to retirement to receive, in lieu of his retirement allowance payable throughout life the actuarial equivalent at that time of his retirement allowance in a reduced retirement allowance payable throughout life with the provision that: Option 1. If he dies before he has received in annuity payments the present value of his annuity as it was at the time of his retirement, the balance shall be paid to his legal representatives or to such person as he shall nominate, by written designation duly acknowledged and filed with the Board of Control; or Option 2. Upon his death, his reduced retirement allowance shall be continued throughout the life of and paid to such person as he shall nominate by written designation duly acknowledged and filed with the Board of Control at the time of his retirement; or Option 3. Upon his death, one-half of his reduced retirement allowance shall be continued throughout the life of and paid to such person as he shall nominate by written designation duly acknowledged and filed with the Board of Control at the time of his retirement; or Option 4. Some other benefit or benefits shall be paid either to the member or to such person or persons as he shall nominate, provided such other benefit or benefits, together with the reduced retirement allowance, shall be certified by the actuary to be of equivalent actuarial value to his retirement allowance and shall be approved by the Board of Control.

(5) (a) Should any beneficiary be restored to active

service from service retirement, or from disability retirement on or after attainment of age fifty, his retirement allowance shall be suspended until he again withdraws from service, he shall not again become a member, nor shall he make contributions, except that should such beneficiary, who has been restored to active service, continue in service for a period of five or more years from the date of his re-entry into active service, he may request the Board of Control to allow him to again become a member of the Retirement System. The Board of Control may grant the request for restoration to membership provided such beneficiary whose retirement allowance has been suspended repays to the system all monies received by him as benefits during any periods subsequent to the date of his re-entry into active service and provided further that he makes a contribution equal to the amount he would have contributed had he been a member during the period of his restoration to active service on a suspended allowance basis, together with the interest which would have been credited to the contributions on account of such period of restoration up to the date such contribution is made.

(b) Should any beneficiary on disability retirement be restored to active service before reaching age fifty, he shall again become a member of the Retirement System and shall make contributions.

(6) (a) All retirement allowance payments due on or after October 1, 1973 to members who retired prior to October 1, 1971 shall be redetermined as if the provisions of subsection (2) and (2½) of this section which became effective on said date were in effect at the time the member retired, provided that the annual retirement allowance of any member who retired on or before January 1, 1956 shall be not less than \$132.00 multiplied by the number of years of his creditable service not in excess of thirty years, in the case of service retirement, or \$99.00 multiplied by the number of years of creditable service not in excess of thirty years, in the case of disability retirements. Any increase provided in the retirement allowance payment under this subsection (6) for a member who retired under the provisions of any optional benefit elected pursuant to subsection (4) of this section shall accrue only to the retired member, and no person designated to receive any payments after the death of a retired member under the provisions of any such optional benefit shall receive any increase in such payments under this subsection.

(b) Any person who served at least thirty years as a teacher in the public schools of Alabama and was never a member of the system and who, prior to October 1, 1963, was in receipt of a benefit for old age assistance pursuant to sub-

section (1) and (2) of Section 1 of Act 116, approved August 24, 1959 shall be entitled to receive an annual retirement allowance of \$3960.00 from the System, effective as of October 1, 1973.

(c) Prior to October 31, 1973 any beneficiary may elect to leave on deposit with the system all or a specified part of any increase in his monthly retirement allowance payments arising in accordance with paragraph (a) or (b) of this subsection. The portion of each monthly payment left in the system in accordance with such election shall be credited, together with regular interest thereon, to the individual account of such beneficiary. Upon the death of such beneficiary the total amount standing to his credit, including regular interest to the date of death, shall be paid in a lump sum to his legal representative or to such person as he shall have nominated by written designation duly acknowledged and filed with the Board of Control.

Section 2. Appropriation. There is hereby appropriated from any monies in the Alabama Special Education Trust Fund the amount of \$2,639,000.00 for the fiscal year beginning October 1, 1973 and \$2,439,000.00 for the fiscal year beginning October 1, 1974 for the purpose of carrying out the provisions of this Act. Thereafter such amounts as are necessary shall be included in the biennial appropriation Bill which is submitted to the Legislature under the provisions of Section 369 of Title 52 of the Code of Alabama of 1940 as amended.

Section 3. The benefits provided by this Act are not retroactive nor shall they apply to any deceased retired teacher.

Section 4. This Act shall become effective October 1, 1973.

Approved September 5, 1973.

Time: 4:55 P.M.

Act No. 809

H. 118—Wynot

AN ACT

To authorize and permit teachers who have retired under the Teachers' Retirement Act to perform duties in the Public schools of Alabama and any state supported institution of higher learning when they are physically and mentally able to do so in the opinion of the employing authority, to prescribe the limitations therefor and to repeal Act No. 738 of the 1969 Regular Session of the Legislature.

Be It Enacted by the Legislature of Alabama:

Section 1. It is hereby declared to be lawful and permissible for any teacher, who has retired under the Teachers' Retirement Act of Alabama to perform duties in any capacity provided, however, that under no circumstances shall any retired teacher employed under the terms of this Act be employed in a full-time capacity or replace a full-time teacher in the Public schools of Alabama and any state supported institution of higher learning provided that such teacher is physically and mentally able to do so in the opinion of the employing authority, and earn not more than twenty one hundred dollars per year or as much as the base allowed under Federal Social Security as set from year to year without affecting his or her status under the Teachers' Retirement Act.

Section 2. Such retired teacher shall continue to receive all retirement benefits that such retired teacher would receive if he or she were not serving as a teacher in the Public schools of Alabama and any state supported institution of higher learning, subject to the limitations of this Act.

Section 3. The responsibility for compliance with the provisions of this Act is hereby placed upon the employing authority and each teacher employed under the provisions of this Act shall certify to the employing Board any information required in order to carry out the provisions of this Act.

Section 4. Act #738 of the 1969 Regular Session is hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved September 5, 1973.

Time: 4:45 P.M.

Act No. 810

H. 120—Wynot

AN ACT

To amend Section 367 of Title 52 of the Code of Alabama of 1940 as amended to provide for addition of 3 additional members of the Teachers' Retirement System to the Board of Control of the Teachers' Retirement System and one member of the Alabama Retired Teachers' Association to the Board of Control of the Teachers' Retirement System and to provide other personnel as deemed necessary by the Board of Control.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 367 of Title 52 of the Code of Alabama 1940 as amended, by and is hereby amended to read as follows:

Section 367. ADMINISTRATION. (1) The general administration and responsibility for the proper operation of the retirement system and for making effective the provisions of this chapter are hereby vested in a board of trustees which shall be known as the Board of Control and shall be organized immediately after a majority of the trustees provided for in this section shall have qualified and taken the oath of office.

(2) The Board shall consist of eleven trustees as follows:

(a) The State Superintendent of Education, ex-officio.

(b) The State Treasurer, ex-officio.

(c) The State Director of Finance, ex-officio.

(d) The Executive Secretary of the Alabama Education Association, ex-officio.

(e) Seven members of the Retirement System, one of whom shall be a retired member of the Retirement System. Of the seven members of the Retirement System, one shall be a City or County superintendent, one shall be a principal, one shall be a member from post-secondary education and three shall be teachers, all of whom shall be elected by the members of the Retirement System as follows:

Teacher Place #1 for term of 3 years beginning July 1, 1974

Teacher Place #2 for term of 3 years beginning July 1, 1974

Teacher Place #3 for term of 2 years beginning July 1, 1974 and thereafter each teacher according to place number shall be elected for 3 year terms, according to such rules and regulations as the Board of Control shall adopt to govern such elections. City or County superintendent and principal shall be elected for three year terms and such terms and method of election are not changed by this Act. The member from post Secondary Education shall be elected by members of the Retirement System for three year term beginning July 1, 1974 and thereafter shall be elected for three year term in accordance with rules and regulations as the Board of Control may adopt. The retired member shall be elected by the members of the Alabama retired Teachers' Association and shall be done at the annual convention of the Alabama Education Association. The Alabama Retired Teachers' Association shall be responsible for the election of the member and certify to the

Board of Control the results of such election. The first election of the retired member shall be held at the 1974 annual convention of the Alabama Education Association and after certification to the Board of Control shall serve for a term of three years as all other elected members of the Board of Control serve. The terms of this office shall begin after they have qualified and taken the oath of office.

The Board of Control of the Teachers' Retirement System together with the officers of the Alabama Education Association shall provide for the election of the six members to be elected by the members of the Retirement System at the annual convention of the Alabama Education Association.

(3) If a vacancy occurs in the office of a trustee, the vacancy shall be filled for the unexpired term in the same manner as the office was previously filled.

(4) The trustees shall serve without compensation for their services as trustees but they shall be reimbursed from the expense fund for all necessary expenses that they may incur through service on the Board of Control.

(5) Each trustee shall, within ten days after his appointment or election, take an oath of office that, so far as it devolves upon him, he will diligently and honestly administer the affairs of the Board of Control and that he will not knowingly violate or willingly permit to be violated any of the provisions of law applicable to the retirement system. Such oath shall be subscribed to by the member making it, certified by the officer before whom it is taken, and immediately filed in the office of the Secretary of State.

(6) Each trustee shall be entitled to one vote in the Board of Control. Six votes shall be necessary for a decision by the trustees at any meeting of said Board. In case of a tied vote the decision shall fail.

(7) Subject to the limitations of this chapter the Board of Control shall from time to time establish rules and regulations for the administration of the funds created by this chapter and for the transaction of its business.

(8) The Board of Control shall elect from its membership A Chairman and by a majority vote of all the members shall elect a Secretary-Treasurer who shall serve as Chief Executive officer of the Retirement System. In addition thereto the Board of Control may engage such actuarial and administrative officers and other special services as shall be deemed necessary to transact the business of the Retirement System. The compensation and expenses of these actuarial and

administrative officers and other special services shall be paid at such rates and in such amounts as the Board of Control shall approve. All other employees not in these categories of employment shall be employed under the provisions of the Merit System Act.

(9) The Board of Control shall keep in convenient form such data as shall be necessary for actuarial valuation of the various funds of the retirement system, and for checking the experience of the system.

(10) The Board of Control shall keep a record of all of its proceedings which shall be open to public inspection. It shall publish annually a report showing the fiscal transactions of the retirement system for the preceding school year, the amount of the accumulated cash and securities of the system and the last balance sheet showing the financial condition of the system by means of an actuarial valuation of the assets and liabilities of the retirement system.

(11) The Attorney General of the state shall be the legal adviser of the Board of Control.

(11½) The Board of Control shall designate a Medical Board to be composed of three physicians not eligible to participate in the retirement system. If required, other physicians may be employed to report on special cases. The Medical Board shall arrange for and pass upon all medical examinations required under this chapter, and shall investigate all essential statements and certificates by or on behalf of a member in connection with an application for disability retirement, and shall report in writing to the Board of Control its conclusions and recommendations upon all matters referred to it.

(12) The Board of Control shall designate an actuary who shall be the technical adviser of the Board of Control on matters regarding the operation of the funds created by the provisions of this chapter, and shall perform such other duties as are required in connection therewith.

(13) Immediately after the establishment of the retirement system the actuary shall make such investigation of the mortality, service, and compensation experience of the members of the system as he shall recommend and the Board of Control shall authorize, and on the basis of such investigation he shall recommend for adoption by the Board of Control such tables and such rates as are required in Sub-section (14), paragraphs (a) and (b), of this section. The Board of Control shall adopt tables and certify rates, and as soon as practicable thereafter the actuary shall make a valuation based

on such tables and rates, of the assets and liabilities of the funds created by this chapter.

(14) In the year 1943, and at least once in each five-year period thereafter, the actuary shall make an actuarial investigation into the mortality, service and compensation experience of the members and beneficiaries of the retirement system, and shall make a valuation of the assets and liabilities of the funds of the system and taking into account the results of such investigation and valuation, the Board of Control shall:

(a) Adopt for the retirement system such mortality, service and other tables as shall be deemed necessary;

(b) Certify the rates of contribution payable by the state under the provisions of this chapter.

(15) On the basis of such tables as the Board of Control shall adopt, the actuary shall make an annual valuation of the assets and liabilities of the funds of the system created by this chapter.

Section 2. All laws or parts of law which conflict with the provisions of this Act shall have no effect on the provisions of this Act.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 5, 1973.

Time: 4:55 P.M.

Act No. 811

H. 243—Drake

AN ACT

To create a State Board of Auctioneers which shall administer and enforce the licensing of auctioneers in this state; to provide that licensees keep certain records; to assess fees; and to provide penalties for violations of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall be known and may be cited as "The Auctioneers License Act."

Section 2. As used in this act these terms shall have the following meaning:

“Auctioneer” means any person who has graduated from an accredited auction school, and has one year experience as an apprentice auctioneer, or has two years experience as an apprentice auctioneer in bid calling, for a fee, commission, or any other valuable consideration, or with the intention or expectation of receiving the same, by the means of, or process of, an auction or sale at auction, offers, negotiates or attempts to negotiate, a listing contract, sale, purchase or exchange of goods, chattels, merchandise, real or personal property, or of any other commodity which may lawfully be kept or offered for sale by or at public auction.

“Board” shall mean the State Board of Auctioneers.

“Apprentice Auctioneer” means any person, who for compensation or valuable consideration, or otherwise, is employed, directly or indirectly, by an auctioneer to deal or engage in any activity listed in paragraph 1 herein.

“Goods” means any chattels, good merchandise, real or personal property, or commodities of any form or type which may lawfully be kept or offered for sale.

“Persons” includes individuals, associations, partnerships and corporations, and the word “persons” shall also include the officers, directors and employees of a corporation.

“Auction business” or “business of auctioneering” means the performing of any of the acts of an auctioneer or apprentice auctioneer as defined in this section.

Section 3. Unlawful to engage in auction business without license. — From and after October 1, 1973, it shall be unlawful for any person, partnership, association or corporation in any county of this state, to act as an auctioneer or apprentice auctioneer, or directly or indirectly to engage or assume to engage in the auction business and act as either without first obtaining a license issued by the State Board of Auctioneers, under the provisions of this act.

Section 4. Exemptions from provisions of act.—The provisions of this act and the terms “Auctioneer”, “apprentice auctioneer”, “auction business or business of auctioning” as above defined, shall not apply to and shall not include any person acting as a receiver, trustee in bankruptcy, guardian, administrator or executor or any such person acting under order of any court, nor shall they include a trustee acting under a trust agreement, deed or trust or will, nor shall they include sales at auction conducted by or under the direction of any public authority or pursuant to any judicial order or decree.

Section 5. Certificates of appointment; legal assistance; prosecution of complaints.—Each member of the board shall receive a certificate of appointment from the Governor before entering upon the discharge of the duties of his office. The board, or any committee thereof, shall be entitled to the services of the state attorney general, in connection with the affairs of the board, or may on approval of the attorney general, employ an attorney to assist or represent it in the enforcement of this act before any court of competent jurisdiction, and it may take the necessary legal steps through the proper legal officers of the state to enforce the provisions of this act and collect the penalties provided herein. Complaints shall be prosecuted in the name of the State Board of Auctioneers.

Section 6. Organization of board officers; rules and regulations; seal-copies of records and papers as evidence.—Within thirty days after this bill becomes law, the Governor shall appoint a State Board of Auctioneers to be comprised of five members, one member to be appointed for a term of one year, one member to be appointed for a term of two years, one member to be appointed for a term of three years, one member to be appointed for a term of four years, one member to be appointed for five years. All subsequent appointments by the Governor shall be for a term of five years, to end on the anniversary date of original appointments, except appointments to fill a vacancy which shall be for the unexpired term only. Each member of the board shall be at least thirty-five years of age and of good moral character. The board shall meet within 30 days of the last appointment and elect one of its members chairman, one member as vice chairman, 1 member as secretary (to serve two years) and such other officers as considered necessary, and may do all things necessary and convenient for carrying into effect the provisions of this act. The board shall have power to make such by-laws, rules and regulations as it shall consider necessary that are not inconsistent with the provisions of this act or other general laws of the state. The board shall adopt a seal for its use, which shall bear thereon the words "State Board of Auctioneers" and the secretary of the board shall have care and custody thereof. Copies of all records and papers in the office of the secretary shall be received in evidence in all courts and with like effect as the originals.

Section 7. Enforcement of act.—The board is hereby authorized and empowered to adopt, fix and establish all rules and regulations necessary for the proper administration and enforcement of this act.

Section 8. Meetings of board.—The board shall meet at

least four times each year, in January, April, July, October for the purpose of transacting such business as may properly come before it. Special meetings of the board shall be held at such times as the board may provide in the by-laws it may adopt. Three members shall constitute a quorum at a board meeting. Due notice of each meeting and the time and place thereof shall be given each member in such manner as the by-laws may provide.

Section 9. Compensation of members of board.—Members of the board shall each receive as full compensation for each day accordingly spent on work made necessary by the provisions of this act, the sum of twenty-five dollars per day, plus subsistence and mileage commensurate with the general law and all regulations pertaining thereto, such per diem allowance for the board not to exceed an aggregate amount of twenty-five hundred dollars for any one calendar year.

Section 10. Record of proceedings and funds.—The secretary of the board shall keep a record of the proceedings of said board. Within sixty days after this law becomes effective, it shall be the duty of the board to select a depository in the same manner and form as now provided by law and deposit all funds received by said board, and all funds thereafter collected shall be so deposited and maintained, and disbursements shall be so made on checks signed by the secretary and countersigned by the chairman. The Governor, in his discretion, shall have the power from time to time to require an audit of the accounts of the board, the same to be made by the State Auditor upon request of the Governor.

Section 11. Applications for licenses; fees.—Any person desiring to enter into the auction business and obtain a license as an auctioneer or apprentice auctioneer shall make written application for such license to the board. Each application shall be accompanied by an examination fee of fifty dollars which shall be collected from each applicant to defray the expenses of the examination. The application shall be submitted on forms prepared and furnished by the board. Each applicant for a license as an auctioneer shall be of the age of 21 years or over, and each applicant for a license as an apprentice auctioneer shall be of the age of 18 years or over and shall be a citizen of the United States. Each applicant for an auctioneers license must have completed a prescribed course of study at an accredited auctioneering school approved by the board and also must serve one year as an apprentice auctioneer under a licensed auctioneer in this state. Must also have been the principal auctioneer in at least five auctions of either real or personal property during this period of time and furnish satisfactory proof of same to the board. His

application must also be accompanied by a recommendation by his employing auctioneer. If the applicant has not completed a course of study at an accredited auctioneering school, then he will be required to serve two years as an apprentice under a licensed auctioneer, plus having been the principal auctioneer in at least ten auctions of real or personal property. Any person who files an application with the board in proper manner shall be entitled to an oral and written examination to determine his qualifications. The board shall require such persons to take and pass a written and oral examination establishing in a manner satisfactory to the board that said applicant has a general knowledge of ethics, reading, writing, spelling, elementary arithmetic, elementary principles of land economics and a general knowledge of the statutes of this state relating to the bulk sales law, auctions, brokerage and the provisions of this act. The examination for an auctioneer's license shall be of a more exacting nature and score than the examination for an apprentice auctioneer. It shall also be the duty of the board through such application and examination to determine whether such applicant is of good repute, trustworthy, honest and competent to transact the business of an auctioneer, or of an apprentice auctioneer, in such a manner as to safeguard the interest of the public. Any person who is a resident of Alabama and who on October 1, 1973, has a privilege license to engage in, and is lawfully engaged in business as an auctioneer and has so been engaged for a period of at least one year prior to October 1, 1973, and has been the principle auctioneer in at least five auctions of either real or personal property during this period of time, and furnishes satisfactory proof of same to the board shall not be required to take an examination, but all such persons shall be entitled to receive a license from the board under the provisions of this act on proper application thereof and payment of the license fee required by this act. Any member or officer of a partnership, association or corporation who is a resident of Alabama on the effective date of this act, is lawfully and actively engaged in the auction business under and by virtue of a privilege license theretofore issued and held by such partnership, association or corporation, shall not be required to take an examination, but all such persons shall be entitled to receive a license from the board under the provisions of this act upon proper application therefor and payment of the license fee required by this act. Such applicants shall file their application proof with the board no later than September 1, 1973 and the application and proof shall be accompanied by a bond and license fee in accordance with the provisions of this act. The license fee for each auctioneer shall be fifty dollars and the license fee for each apprentice auctioneer shall be twenty-five dollars. All licenses shall expire

on September 30 of each year following issuance thereof and may be renewed upon payment of the appropriate license fee as required by this act. Renewal of such license may be effected at any time during the months indicated preceding the date of expiration. No examination shall be required for the renewal of any present or future license, unless such license has been revoked or suspended. If a licensee fails to renew his license by the dead line of each year, he may have his license renewed within 60 days after the expiration date, upon payment of a payment of fifty dollars. If he elects not to pay the penalty and renew his license, he shall be required to submit an application, pay the examination fee, and take the examination required for new licensees. The board shall prepare and deliver to each licensee a license certificate and pocket card. The certificate shall be displayed openly at all times in the office of the licensee. The certificate and the pocket card of the apprentice auctioneer shall contain his name and address as well as that of the auctioneer under whose supervision he is employed. When any auctioneer discharges an apprentice, or terminates his employment with the auctioneer for any reason, it shall be the immediate duty of the auctioneer to deliver or mail by registered mail to the board the license of the apprentice auctioneer. It shall be unlawful for any apprentice auctioneer to perform any of the acts contemplated by this act, either directly or indirectly under authority of his license, until the apprentice auctioneer receives a new license bearing the name and address of his new employer. No more than one license shall be issued to any apprentice auctioneer for the same period of time. Written notice shall be given immediately to the board by each licensee of any change in his mailing address whereupon the board shall issue a new license for the unexpired period. A change of mailing address without notification to the board shall automatically cancel the license previously issued. Changing a mailing address and issuance of a new license shall entitle the board to collect a fee of five dollars. Each prior license shall be returned or accounted for to the board and in every event be canceled before the issuance of the new license. The board may require such other proof as shall be considered desirable with due regard to the paramount interest of the public in the issuance of license. The board shall have the power and authority to make and enforce any and all such reasonable rules and regulations connected with the application for any license as shall be considered necessary to administer and enforce the provisions of this act.

Section 12. Register of applicants for license; roster of auctioneers.—The secretary of the board shall keep a register of all applicants for license, showing for each the date of

application, name, place of business, place of residence, and whether the license was granted or refused.

Section 13. Revocation or suspension of licenses; grounds; procedure.—The board shall have power to revoke or suspend licenses as herein provided. The board may upon its own motion, and shall upon the verified complaint in writing of any person (provided such complaint with the evidence, documentary or otherwise, presented in connection therewith, makes out a *prima facie* case) hold a hearing as hereinafter provided and investigate the actions of any auctioneer or apprentice auctioneer, or any person who shall assume to act in either such capacity. The board shall have the power to suspend or revoke any license issued under the provisions of this act at any time where the licensee has by false or fraudulent representations obtained a license or where the licensee is performing or attempting to perform any of the following: (a) making any substantial misrepresentation; (b) pursuing a continued and flagrant course of misrepresentation or making false promises through agents or advertising or otherwise; (c) accepting valuable consideration as an apprentice auctioneer for the performance of any of the acts specified in this act, from any person, except his employer auctioneer; (d) failing to account for or remit, within a reasonable time, any money belonging to others that comes into his possession, commingling funds of others with his own, or failing to keep such funds of others in an escrow or trustee account; (e) paying valuable consideration to any person for services performed in violation of this act; (f) being convicted in a court of competent jurisdiction of this or any other state of a criminal offense involving moral turpitude or a felony; (g) violation of any rule or regulation promulgated by the board; (h) failure to furnish voluntarily at the time of execution, copies of all written instruments prepared by the auctioneer or apprentice auctioneer; (i) any conduct of any auctioneer which demonstrates bad faith, dishonesty, incompetency or untruthfulness; (j) any conduct of any auctioneer which demonstrates improper, fraudulent or dishonest dealings; (k) failing prior to the sale at public auction to enter into a written contract with the owner or cosignee of any property to be sold containing the terms and conditions upon which such licensee received the property for sale; (l) failure by auctioneer conducting the auction to show his name and state license number in the advertising of such auction or; (m) presenting a worthless check to the board.

Before denying an application for license or before suspending or revoking any license, the board shall in all cases set the matter down for a hearing and shall, at least twenty-one days prior to the date set for such hearing, notify in writ-

ing the accused licensee of the charges made or the question to be determined, including notice of time and place, when and where the charges made or the question to be determined, including notice of time and place, when and where the charges will be heard, and afford such licensee an opportunity to be present and to be heard in person or by counsel, and an opportunity to offer evidence orally, or by affidavit or deposition in reference thereto. Written notice may be served by delivery of the notice personally to the applicant or licensee or by mailing the notice by registered mail to the last known mailing address of such applicant or licensee. In the event such applicant or licensee is an apprentice auctioneer, the board shall also notify the auctioneer employing him, or whose employ he is about to enter, by mailing notice by registered mail to the auctioneers last known address. The hearing on such charges shall be at such time and place as the board shall prescribe.

Section 14. Hearings; procedure; appeal.—The board shall have power to administer oaths and to prescribe all necessary and reasonable rules for the conduct of such a hearing. The board shall have power to subpoena and bring before it any person in this state or take testimony of any such person by deposition, with the same fees and mileage and in the same manner as prescribed by law in judicial procedure of courts of this state in civil cases. Such fees and mileage shall be paid by the party at whose request such witness is subpoenaed. If the board shall determine that the licensee is guilty under the provisions of this act, his license may be suspended or revoked, but in the event of an adverse decision, the accused shall have the right within thirty days to appeal therefrom to the circuit court of the county in which said violation may occur, where he shall be entitled to a trial de novo. The affirmative vote of a majority of the board shall be necessary to revoke or suspend a license. The State Board of Auctioneers is declared to be a quasi-judicial body and the members or its employees thereof are granted immunity from civil liability when acting in good faith and in the performance of their duties as described in this act.

Section 15. Revocation of license resulting from judgment in damage action.—Whenever any person, partnership, association or corporation claiming to have been injured or damaged by the gross negligence, incompetency, fraud, dishonesty or misconduct on the part of any licensee following the calling or engaging in the business herein described shall file suit upon such claim against such licensee in any court of record in this state and shall recover judgment thereon, such court may as part of its judgment or decree, in such case, if it deems it a

proper case in which so to do, revoke the defendant's license, which shall not be reissued to such licensee except upon unanimous vote of all members of the board in favor of such reissuance and only then after the lapse of a period of 90 days from the date of such revocation.

Section 16. License as evidence of rights and privileges; bonds.—The issuance of a license by the board shall be evidence that the person, partnership, association or corporation named therein is entitled to all the rights and privileges of an auctioneer or apprentice auctioneer while said license remains unrevoked or unexpired.

Section 17. Bond required to obtain license.—Each application for an auctioneer's or apprentice auctioneer's license shall be accompanied by a bond in the amount of one thousand dollars. The bond shall be a cash bond or a surety bond and, if the latter, shall be executed by a surety company authorized to do business in this state. The bond shall be made payable to the board and conditioned on the applicant's conducting his business in accordance with the provisions and intent of this act. The bond shall be in a form approved by the board. No license may be issued until such a bond has been filed with the board.

Section 18. Requirements of licensing of nonresidents.—A nonresident of this state may become an auctioneer or apprentice auctioneer in this state by conforming to the provisions of this act, except that if a nonresident auctioneer or apprentice auctioneer has a lawsuit or other legal action filed and pending against him in this or any other state, the board shall not issue a license to him until final disposition of this action, and then only at the discretion of the board. The term "auctioneer and apprentice auctioneer" shall include any individual, firm, company, partnership, association or corporation by whom such "auctioneer or apprentice auctioneer" shall be employed. The board may recognize a license issued by any other state to a nonresident auctioneer or apprentice auctioneer if the other state reciprocates with Alabama in like manner, and if the licensing requirements of such state include the passing of an examination of equal or higher standards than those required by this state. Such nonresident licensee shall, however, be required to secure a license from the board which shall be issued upon application therefor, accompanied by payment of the license fee required by this act and the filing of a certified copy of the applicant's license issued by such other state. Every nonresident applicant shall file an irrevocable consent that suits and actions may be commenced against such applicant in the proper court in the county in this state in which a cause of action may arise, in which the plaintiff may

reside, by service of any process or pleadings authorized by laws of this state on the board, or a deputy to be designated by it, said consent stipulating and agreeing that said service of such process or pleading shall be begun and held in all courts to be as valid and binding as if due service had been made upon said applicant in this state. The consent shall be duly acknowledged, and if made by a corporation, shall be authenticated by the seal of such corporation. In case of any process or pleadings mentioned in this act being served upon the board or upon a deputy to be designated by it, duplicated copies shall be made, one of which shall be filed in the office of the secretary of the board, and the other immediately forwarded by registered mail to the main office of the applicant against which said process or pleadings are directed. No default in said proceedings or action shall be taken unless it shall be made to appear by affidavit of a member of the board, or a deputy designated by it, that a copy of the process or pleadings was mailed to defendant as herein required. Judgment by default shall be taken in any such action or proceedings within twenty days after the date of the mailing of such process or pleadings to the nonresident defendant.

Section 19. Definite mailing address; unlawful to engage in auction business without license.—Each licensee must have a definite mailing address such as “street” name and number or “RFD number.” “P.O. Box” only will not be sufficient. It is unlawful for any person not licensed under the provisions of this act to advertise that he is in the auction business or to do anything to leave any impression upon the public that he is an auctioneer or is so engaged.

Section 20. Actions for the collection of compensation; license required.—No person engaged in the business of or acting in the capacity of an auctioneer or an apprentice auctioneer shall bring or maintain any action in the courts of this state for the collection of compensation for any services performed as an auctioneer or apprentice auctioneer without first alleging and proving that he was a duly licensed auctioneer or apprentice auctioneer at the time the alleged cause of action arose. No apprentice auctioneer shall have the right to institute a suit in his own name for the recovery of a commission, fee or compensation for services as an apprentice auctioneer, but any such action shall be instituted and brought by the licensed auctioneer employing the apprentice auctioneer. Nothing contained herein shall be construed so as to prevent a licensed apprentice auctioneer from suing his employing auctioneer for any compensation, fees or commissions due him from such auctioneer.

Section 21. Effect of revocation of auctioneer's license on the license of apprentice auctioneer's employed by him.—The revocation of an auctioneer's license shall automatically suspend every apprentice auctioneer's license granted to any person by virtue of his employment by the auctioneer whose license has been revoked. The apprentice auctioneer may retain his license by transferring to the employment of another licensed auctioneer within twenty-one days.

Section 22. Violations of provisions; penalty.—Any person violating the provisions of this act shall, upon conviction thereof, be punished by a fine of not less than two hundred dollars and not more than five hundred dollars or by imprisonment for a term not to exceed ninety days, or by both such fine and imprisonment, in the discretion of the court.

Section 23. Privilege license; to replace present privilege license.—Each auctioneer shall pay one state license of fifty dollars and in addition a county license of twenty-five dollars in each county where he sells by auction. No privilege license shall be required for any apprentice auctioneer. Any auctioneer who conducts an auction, without compensation for himself, and where all proceeds from such auction go to the benefit of any group or organization no license shall be required. The term "Auctioneer" shall be deemed to apply to any person selling real estate, goods, wares, merchandise, automobiles or livestock or other things of value at public outcry as herein provided. In the following cases, sales at public outcry may be made for compensation without license: Sales for the estate of a decedent; sales of property conveyed by deed of trust, mortgage, or decree, or ordered to be sold according to the mortgage, decree or order; and all sales under legal process.

Section 24. Permit fee in lieu of licensing fee in other political subdivisions.—No political subdivision of this state shall have the power or authority after the effective date of this act to levy or collect any license tax from, or to require the licensing in any manner of, any auctioneer who has been licensed and bonded under the provisions of this act in lieu of such license tax or license fee heretofore imposed by any political subdivision.

Section 25. Authority to transact business not transferable.—Authority to transact business as an auctioneer under any license issued by the board shall be restricted to the person named in such license and shall not inure to the benefit of any other person. Where an auctioneer's license shall be issued to a corporation or association, authority to transact business thereunder shall be limited to one officer of such corporation or association to be designated in the application

and named in the license. Each other officer of such association or corporation desiring to act as an auctioneer in connection with the business of the said association or corporation, or otherwise, shall be required to make application for and take out a separate license in his own name individually. Where the licensee is a co-partnership, the license issued to such co-partnership shall confer authority to act as auctioneer upon one member of such co-partnership only, who shall be designated in the application and named in the license. All the other members of the co-partnership desiring to act as auctioneers in connection with the business of the partnership, or otherwise shall be required to apply for and take out individual licenses in their own names.

Section 26. All laws or parts of laws which conflict with this act are repealed.

Section 27. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 28. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 5, 1973.

Time: 4:55 P.M.